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## ACRONYMS AND ABBREVIATIONS

ADR	-	Alternative Dispute Resolution
ACU	-	Aids Control Unit
AIE	-	Authority- to- Incur Expenditure
AG	-	Attorney General
BPO	-	Business Process Outsourcing
CPPMU	-	Central Planning and Projects Monitoring Unit
CJ	-	Chief Justice
CPO	-	Chief Procurement Officer
DDHRM	-	Deputy Director of Human Resource Management
ERS	-	Economic Recovery Strategy for Wealth and Employment Creation (2003-2007)
FLSTAP	-	Financial and Legal Sector Technical Assistance Project
GOK	-	Government of Kenya
GDP	-	Gross Domestic Product
GJLOS	-	Governance, Justice, Law and Order Sector Reform
HRM	-	Human Resource Management
HIV/AIDS	-	Human-Immuno Virus/Acquired Immune Deficiency Syndrome
HRMIS	-	Human Resource Management Information System
HRDO	-	Human Resource Development Officer
HODS	-	Heads of Departments
ICT	-	Information Communication Technology
IDA	-	International Development Agency
IFMIS	-	Integrated Financial Management and Information Systems
JSC	-	Judicial Service Commission
JTI	-	Judicial Training Institute
KACC	-	Kenya Anti-Corruption Commission
LSK	-	Law Society of Kenya







LAN	-	Local Area Network
MTP	-	Medium Term Plan
M&E	-	Monitoring and Evaluation
MTEF	-	Medium Term Expenditure Framework
MOJCA	-	Ministry of Justice, National Cohesion and Constitutional Affairs
NCLR	-	National Council for Law Reporting
PRO	-	Public Relations Officer
PAC	-	Principal Accounts Controller
PAS	-	Performance Appraisal System
PMS	-	Performance Management System
PICTO	-	Principal Information Communication Technology Officer
QPR	-	Quarterly Progress Report
RBM	-	Result Based Management
RHC	-	Registrar, High Court of Kenya
RM	-	Resident Magistrate
SIDA	-	Swedish International Development Agency
SMART	-	Specific, Measurable, Achievable, Realistic and Time bound
SWOT	-	Strengths, Weaknesses, Opportunities and Threats
TR	-	Terminal Review Report
TO	-	Transport Officer
UNICEF	-	United Nations Children's Fund
USAID	-	United States Agency for International Development
VCT	-	Voluntary Counseling and Testing
VSAT	-	Very Small Aperture Terminal
WAN	-	Wide Area Network
AR	-	Annual Review Report



# FOREWORD

This Plan provides the Judiciary with a strategic direction towards being the best Judiciary in Africa, setting the highest standards in the delivery of quality justice and leading in the development of jurisprudence. Through this, the Judiciary will provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the Constitution of Kenya.

Our achievements over the last four years are the building blocks for this Plan period running from 2009 to 2012. Having reviewed the progress made so far, we are aware that much more needs to be done. I believe all of us in the Judiciary will rise to the occasion to ensure successful delivery of the targets set in this Plan. The formulation of this four-year plan has taken into account our desire and commitment to make the Judiciary a vibrant and fitting partner in delivering quality justice to all.

The Judiciary embraces the development philosophy in Vision 2030 which seeks to ensure adherence to the rule of law applicable to modern, market-based economy in a human rights-respecting state. This Plan commits the Judiciary to participate in programmes and activities that will increase service availability and access to justice.

The Judiciary has now fully embraced strategic planning as a management tool for carrying out judicial reforms. This Plan provides a blue print for the institution's activities for the next four years.

As we embark on the implementation of this Plan, I call upon all members of the Judiciary and our stakeholders to join us in our efforts to make the Judiciary realize its Vision, Mission and Objectives.

**J. E. GICHERU, E.G.H.**  
**CHIEF JUSTICE OF THE REPUBLIC OF KENYA**





## ACKNOWLEDGEMENTS

Strategic Planning is a proactive result-based management strategy adopted by institutions with a view to achieving their desired future. It identifies past performance, the current status, the preferred future and the means to achieve the planned objectives. In this context, responsibilities are assigned to specific individuals to carry out the various strategies and activities to achieve set targets within a given time-frame.

On behalf of the Judiciary Strategic Plan Preparation Committee 2009–2012, I wish to convey our gratitude to the appointing authority, the Chief Justice of the Republic of Kenya The Honorable Mr. Justice Johnson Evan Gicheru for tasking us with this noble exercise and to the Registrar of the High Court of Kenya, Mrs. Lydia Achode for the invaluable administrative support including financing the various meetings, provincial visits, retreats, circulation of the draft and validation workshop. I also thank the Financial and Legal Sector Technical Assistance Project (FLSTAP) for facilitating the final editorial work, printing and launching of the Plan.

This Plan was prepared through wide stakeholder consultation. In this regard, I thank the Right Honorable the Prime Minister, Hon. Mr. Raila A. Odinga, E.G.H, M.P., His Excellency the Vice President and Minister for Home Affairs, Hon. Mr. Stephen K. Musyoka, E.G.H, M.P., and their team of officers for inviting us to their respective offices and giving valuable contribution despite their tight schedules. I also acknowledge the immeasurable inputs of the various stakeholders who gave written and oral submissions in support of the preparation of the Plan.

Similarly, I am deeply indebted to the Honorable Judges of Appeal and of the High Court who gave the Committee invaluable input to the Plan during their Annual Colloquium held in Mombasa. In the same vein, I thank the Magistrates and Non-Judicial staff for their immense contribution to the Strategic Plan.

Finally, I wish to thank the Strategic Plan Committee Members for their industry and commitment in drafting the Plan, critique, deliberations and presentations during the meetings that often spilled over to late evenings, weekends and public holidays.

**R.S.C. OMOLO**

**JUDGE OF APPEAL**

**CHAIRMAN JUDICIARY STRATEGIC PLAN 2009-2012 COMMITTEE**





## PREAMBLE

The 2009-2012 Judiciary Strategic Plan is released at a time when the Judiciary is facing various challenges in its efforts to attain efficient administration of justice. The implementation of the Plan will involve translating strategic objectives into actions and specifying achievable targets at given time lines. It will require leadership, co-ordination, monitoring and evaluation. It will also involve identifying implementation units, creating awareness amongst staff and stakeholders, change and knowledge management, staff motivation and sourcing of funds and other resources.

The set objectives will require a deliberate effort to focus on Result-Based Management (RBM). This will entail the development of departmental work plans, identification of challenges and periodic review of workload leading to optimal service delivery. In addition, it will be vital that individual work plans are developed with specific objectives, targets and outcomes. To achieve this, a coordinated and participatory approach will be used.

I call upon other arms of Government, Development Partners, Members of Staff and all Stakeholders to support the implementation of the proposed programmes in the Plan which are estimated to cost Kshs 5.627 Billion.

My team will support all initiatives towards the success of this Plan. I look forward to working with the Implementation Committee and other staff for the efficient execution of all the activities.

**L.A. ACHODE (MRS)**  
**REGISTRAR**







## EXECUTIVE SUMMARY

This strategic plan focuses on providing the Judiciary with a roadmap towards the delivery of justice to all. It has set out its vision or preferred future, mission, key functions, core values, goals and strategic objectives as well as strategies and targets. Further the Plan has an implementation strategy which identifies the requisite resources needed to achieve the set objectives and targets. A monitoring and evaluation system has also been agreed upon as a way of ensuring successful implementation of the planned activities.

The Judiciary adopted strategic management in 2005 due to the challenges posed by the growing demand for delivery of quality justice. This led to the preparation of the first Judiciary Strategic Plan covering the period 2005–2008. This Plan was anchored on the then Kenya Development Blue-prints, the Economic Recovery Strategy for Wealth and Employment Creation (ERS) 2003–2007 and the Poverty Reduction Strategy Paper 2001 which recognized the rule of law and access to justice as key to social, economic and political stability of the country. With the release of the Vision 2030 it has become necessary to align our strategic thinking and direction towards upholding the rule of law as a key component of good governance.



This Strategic Plan was developed through a participatory process involving the Judiciary staff and other stakeholders. In addition, feedback from other government agencies like the Office of the Prime Minister, Ministry of Planning, National Development and Vision 2030, Ministry of State for Public Service and Parliament were incorporated. The previous strategic plan was analyzed to determine the degree of successful implementation and identified areas for further action. Identified achievements have been used as building blocks for this Plan. Secondary data was also collected and analyzed, reviewed and interpreted to inform the process of strategic planning. Primary data was collected from various respondents through meetings, discussions and workshops. The planning committee deliberated on every aspect of the process to generate the final plan document.



This Strategic Plan articulates the Judiciary's operations and outlines the medium term strategies to achieve the goals and objectives. The proposed measures and activities are expected to augment the Government's Development Agenda and facilitate the creation of a democratic system that is issue-based, people-centered, result-oriented and accountable to the public.

The key components of this Plan are;

**The vision** “to be the best Judiciary in Africa, setting the highest standards in the delivery of quality Justice and leading in the development of jurisprudence”



**Mission statement**, “to provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the Constitution of Kenya”,

**Key functions** which include;

- Hearing and determination of criminal and civil disputes
- Constitutional interpretation and protection of rights and liberties for all
- Probate and administration
- Formulation and implementation of judicial policies
- Compilation and dissemination of legal information for effective administration of justice

**Goals** which are broad statements of our planned strategy. These are:

- To provide expeditious dispensation of justice
- To safeguard the rights and liberties for all
- To facilitate probate and administration of estates
- To efficiently deliver judicial services
- To achieve predictable justice

**Core values** that create cohesiveness and guide staff and stakeholders. These are;

- Professionalism
- independence
- integrity
- excellence in service delivery
- team spirit
- fidelity to the law and the Constitution and
- transparency and accountability

**Strategic issues:** These are:

- Enhance judicial independence;
- Improve the image of the Judiciary;
- Build Capacity in Human Resource Management and Development;
- Improve access to justice;
- Improve institutional structures
- Adopt and institutionalize appropriate ICT and other facilities;
- Enhance and streamline Financial Management and Procurement.

### **Strategic Objectives**

These correspond to the strategic issues listed above. The objectives are summarized below:

- To enhance judicial independence to enable the Judiciary carry out its key functions effectively
- To Improve The Image of The Judiciary to Restore Public Confidence in The Institution





- To Build Capacity in Human Resource Management and Development to Achieve Higher Performance
- To Improve Access to Justice to Ensure Litigants Have Easy and affordable Justice for a Fair and Just Society.
- To Improve Institutional Structures to Ensure Efficient Delivery of Services
- To Adopt and institutionalize Appropriate ICT and other Facilities to Improve Efficiency in Operations
- Enhance and Streamline Financial Management and Procurement to Optimize Allocation and Use of Resources

On the basis of each of these seven strategic objectives, the framework for the Plan implementation reflects a strategy, the main activities, responsible implementors, a timeframe, performance indicators, specific targets/outcomes and cost against each objective. These elements are reflected in the implementation matrix.

The estimated cost of executing this strategic plan is Kshs5.627 billion. The requisite resources will be sourced from the Government of Kenya and Development Partners. The Judiciary will also explore the opportunities for accessing resources through Public-Private partnerships.

This strategic plan will be implemented in phases starting with those activities that are of high priority and can produce quick wins. All activities have been sequenced and capacity building shall be undertaken in critical areas. Work Plans will be developed and their implementation steered by the Reform and Development Committee which will also oversee monitoring and evaluation of the Plan.





# 1 INTRODUCTION

## 1.0 Background

**T**he three arms of the government are the Judiciary, the Executive and the Legislature. They operate under the doctrine of separation of powers, offering checks and balances on each other in the execution of their respective mandates. The mandate of the Judiciary is administration of justice. It does this through the Court of Appeal, the High Court, the Magistrates' Courts, Kadhis' Courts, the Judicial Service Commission and the National Council for Law Reporting.

In 2005 the Judiciary embraced strategic planning as a tool to deepen judicial reforms aimed at improving service delivery. This approach employs proactive management designed to identify short, medium and long term goals and spells out the means to achieve them with the available resources.

The Judiciary Strategic Plan 2005-2008 was anchored on the national framework on Economic Recovery Strategy for Wealth and Employment Creation (ERS) 2003-2007. ERS identified the efficient and accessible administration of justice as critical in providing an enabling environment for investment. This called for the Judiciary to achieve a predictable and impartial justice system, to speed up determination of cases, to clear backlog and to improve service delivery in civil litigation. The Plan undertook a situational analysis of the Judiciary and identified challenges that impacted on its ability to attain the stated objectives. The plan sought to:

- Achieve complete independence of the Judiciary;
- Attract, develop and retain adequate well trained, competent, efficient and well motivated staff at all levels;
- Improve the image of the Judiciary;
- Ensure that the members of the public and litigants have easy and proper access to justice
- Establish well-coordinated and streamlined structures, systems and processes that ensure efficient workflow and responsiveness to changing needs and
- Improve infrastructure including ICT, in order to provide a conducive environment for administration of justice, improve financial resources and promote prudent accounting and financial management systems so as to enable the Judiciary to effectively and efficiently discharge its mandate.

The current development blue print is the Kenya Vision 2030 and its 1st Medium Term Plan 2008-2012. It aims at transforming Kenya into a newly industrialized middle income country providing a high quality life to its citizens by the year 2030. In line with this it is necessary to develop a strategic plan that aligns the Judiciary to the country's vision.







## 1.1 Mandate of the Judiciary

Presidential Circular No.1/2008 dated 30th May 2008 on the organization of the Government sets out the Mandate of the Judiciary as;

- Administration of Justice
- Judicial Matters
- Court of Appeal
- High Court
- Magistrates' Courts
- Kadhis' Courts
- Judicial Service Commission
- National Council for Law Reporting

## 1.2 Vision

The Vision of the Judiciary is **“to be the best Judiciary in Africa, setting the highest standards in the delivery of quality justice and leading in the development of jurisprudence”**.

## 1.3 Mission Statement

The Mission of the Judiciary is **“to provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the Constitution of Kenya”**.

## 1.4 Key Functions and Goals

The key functions of the Judiciary are based on the mandate to administer justice. Through these functions the Judiciary will set the highest standards in delivery of quality justice. This will be achieved by focusing on broad goals which are reflected in Table 1.1.

**Table 1.1 Key Functions and Goals**

Key Functions	Goals
Hearing and determination of criminal and civil disputes	Provide expeditious dispensation of justice
Constitutional interpretation and protection of rights and liberties for all	Safeguard the rights and liberties for all
Probate and administration	Facilitate probate and administration of Estates
Formulation and implementation of judicial policies	Efficient delivery of judicial services
Compilation and dissemination of legal information for effective administration of justice	Achieve predictable justice



## 1.5 Core Values

An institution's values are important because they create cohesiveness and guide staff and stakeholders. The values of the Judiciary are:

### **Professionalism**

A demonstration and fair application of knowledge, skills, competencies and ethical values relating to the disciplines practiced in executing tasks in the Judiciary.

### **Independence**

An independent, impartial and competent judiciary is integral to upholding the rule of law and engendering public confidence in the governance institutions.

### **Integrity**

The integrity of staff and court processes ensures that the judicial system is fair, efficient and impartial.

### **Excellence in service**

The Judiciary strives to attain excellence in determining cases fairly, promptly, effectively and efficiently.

### **Team work**

The Judiciary relies on various stakeholders for the successful delivery of its mandate. Team spirit is therefore critical to the achievement of this mandate.

### **Fidelity to the Law and the Constitution**

The Judiciary is committed to interpreting the Constitution and all the laws of the land honestly, independently and with integrity.

### **Transparency and Accountability**

The Judiciary will seek to assess and report on its performance, use of public resources and strive to enhance and maintain public confidence in the judicial system.


## 1.6 Methodology

The Honorable the Chief Justice appointed the Judiciary Strategic Plan Committee in July 2008 comprising representatives from all the sections of the Judiciary (Appendix III).

The steps leading to this Strategic Plan were:

- i) The Committee Members met and agreed on the methodology to be used during the strategic planning process.



- 
- ii) Several documents were reviewed (Appendix IV). The purpose of the review was to familiarize with the mandate, functions, policy priorities, achievements and constraints of the Judiciary.
  - iii) The first Strategic Plan retreat was held between 29th and 31st August 2008 at the Sopa Lodge in Naivasha. During this brainstorming session, the core functions, policy priorities, vision, mission and values were discussed. Each member reviewed various aspects of the last Strategic Plan, achievements, challenges and lessons learnt during the implementation.
  - iv) Five regional court stations namely, Nairobi, Mombasa, Kisumu, Nyeri and Nakuru were visited to obtain views from stakeholders.
  - v) A second retreat was held at the Outspan Hotel, Nyeri during which the zero draft was presented to the members for discussion. The strategic focus for the Plan was agreed upon at this meeting.
  - vi) A third retreat was held between 27th and 30th November 2008 at Naivasha Country Club, Naivasha. This was a deepening session where participants went through the comments by stakeholders. The input from stakeholders was considered and incorporated as necessary. The final version of the core functions, policy priorities, vision, mission, values, strategic issues and strategies were agreed on
  - vii) A validation workshop was held on 8th January, 2009 at Safari Park Hotel where several comments on the draft were made by stakeholders (Appendix II). These were incorporated into the draft during a retreat held at Nyali Beach Hotel, Mombasa between 19th and 24th January, 2009
  - viii) A final editing retreat was held at the Kenya School of Monetary Studies between 10th and 12th February 2009 to facilitate the publication and launching of the Plan

## **1.7 Structure of the Strategic Plan**

The Plan is organized into seven chapters. Chapter One is an introduction which gives the background of the Judiciary, including its Mandate, Vision, Mission, Key functions, Goals and Core values. Chapter Two discusses Kenya's Development Agenda as set out in Vision 2030 and the role of the Judiciary in achieving the same. Chapter Three undertakes a review of the Judiciary's previous Strategic Plan to determine the implementation gaps, the challenges faced and the lessons learnt.

Chapter Four undertakes a situation analysis of the Judiciary, Chapter Five presents the Strategic Focus outlining strategic direction over the next four years; Chapter Six details the Resource Mobilization strategies for the successful implementation of the Plan while Chapter Seven provides the Implementation, Monitoring and Evaluation framework.

# 2 KENYA'S DEVELOPMENT AGENDA

## 2.0 Introduction

This chapter highlights Kenya's development agenda and explores the role the Judiciary intends to play in ensuring the success of the national economic goals.

### 2.1 Vision 2030 and the first Medium Term Plan

The country's current long term development blueprint is Kenya Vision 2030. The main aim of the vision is to transform Kenya into a newly industrializing middle income country, providing a high quality of life to its citizens by the year 2030. The Vision 2030 highlights the following as the main challenges facing the country; faster job creation to address the high unemployment of youths leaving school; majority of Kenyans live in poverty; high inequality in income distribution; gender imbalances; considerable disparities in development among the different regions of the country; low savings and investment rates; insecurity; persistent corruption and weak governance; poor infrastructure; slow progress in achieving structural changes in the economy, such as over reliance on agriculture and export of primary products.

The Vision is based on three pillars namely; the economic, social and political. The economic pillar aims at improving the prosperity of all Kenyans through economic development, the social pillar seeks to build a just and cohesive society with social equity in a clean and secure environment. The political pillar aims at realizing a democratic political system founded on issue based politics that respects the rule of law and protects the rights and freedoms of every individual in Kenya.

The vision will be implemented through five year Medium Term Plans (MTP). The first of the series is the 2008-2012 MTP.

#### 2.1.1 The Economic Pillar

Six sectors have been identified to deliver the 10 per cent economic growth rate per annum envisaged under the economic pillar: tourism; agriculture; manufacturing; wholesale and retail trade; business process outsourcing (BPO); and financial services. The essential goal for each sector is set out below.

- a) *Tourism*: Kenya aims to be one of the top ten long-haul tourist destinations in the world, offering a high-end, diverse, and distinctive visitor experience.
- b) *Agriculture*: Kenya aims to promote an innovative, commercially-oriented, and modern agricultural sector.
- c) *Wholesale and retail trade*: The wholesale and retail trade will move towards raising earnings by giving Kenya's large informal sector opportunities to transform into a part of the formal sector that is efficient, multi-tiered, diversified in product range and innovative.







- d) *Manufacturing*: Kenya aims to have a robust, diversified, and competitive manufacturing sector driven partly by value-added agro-processing.
- e) *Business Process Outsourcing (BPO)*: Kenya aims to become the top off-shoring destination in Africa. BPO will, therefore, become the sector of choice for employment among youth and young professionals.
- f) *Financial Services*: Kenya aims to create a vibrant and globally competitive financial sector promoting high-levels of savings and financing for Kenya's investment needs. Kenya also intends to become a regional financial services center.

### 2.1.2 The Social Pillar

Kenya's journey towards prosperity also involves the building of a just and cohesive society in eight key social sectors, namely: education and training; health; water and sanitation; environment; housing and urbanization; as well as gender, youth and vulnerable groups. It also makes special provisions for Kenyans with various disabilities and previously marginalized communities. The essential goal for each sector is set out below:

- a) *Education and Training*: Kenya will provide globally competitive and quality education, training and research, for her development. The country aims to be a regional center of research and development in new technologies.
- b) *Health*: To improve the overall livelihoods of Kenyans, the country aims to provide an efficient, integrated, high quality and affordable health care system.
- c) *Water and Sanitation*: Kenya is a water-scarce country. The economic and social developments anticipated by Vision 2030 will require more high quality water supplies than at present.
- d) *The Environment*: Kenya aims to be a nation with a clean, secure and sustainable environment by 2030.
- e) *Housing and Urbanization*: Given current demographic trends, Kenya will be a predominantly urban country by 2030. The country must, therefore, plan for high quality urban livelihoods for most of her people by that date. The 2030 Vision for housing and urbanization is "an adequately and decently-housed nation in a sustainable environment".
- f) *Gender, Youth and Vulnerable groups*: The 2030 Vision for gender, youth and vulnerable groups is gender equity in power and resource distribution, improved livelihoods for all vulnerable groups, and a responsible, globally competitive and prosperous youth.

### 2.1.3 The Political Pillar

The transformation of the country's political governance system under Vision 2030 will take place across six strategic areas, as follows:

- a) *Rule of Law*: Under rule of law, the 2030 Vision is "adherence to the rule of law as applicable to a modern market-based economy in a human rights-respecting state". Specific strategies will involve: (i) aligning the national policy and legal framework with the needs of a market-based economy, human rights, and gender equity commitments; (ii)





increasing access and quality of services available to the public and reducing barriers to service availability and access to justice; (iii) streamlining the functional capability (including professionalization) of legal and judicial institutions to enhance their inter-agency cooperation; and (iv) inculcating a culture of compliance with laws, cultivating civility and decent human behavior between Kenyans and outsiders.

- b) *Electoral and political processes:* The 2030 Vision seeks to cultivate “genuinely competitive and issue-based politics”. Specific strategies will involve: (i) introducing laws and regulations covering political parties; (ii) enhancing the legal and regulatory framework covering the electoral process; and (iii) conducting civic education programmes to widen knowledge and participation among citizens, leading to an informed and active citizenry.
- c) *Democracy and Public Participation:* The 2030 Vision aims to create “a people-centered and politically-engaged open society”. Specific targets will involve: (i) pursuing reforms necessary to devolve power and to move budgetary resources and responsibility to local governance institutions; (ii) encouraging formal and informal civic education and action programmes; and (iii) promoting open engagement between government and civil society, as well as the free flow of information (e.g. through better and continuous engagement with the media).
- d) *Transparency and Accountability:* Vision 2030 aims to create “transparent, accountable, ethical and results-oriented government institutions”. Specific strategies will involve: (i) strengthening the legal framework for reducing corruption and enhancing ethics and integrity; (ii) promoting results-based management within the public service; (iii) encouraging public access to information and data; (iv) introducing civilian oversight around the key legal, justice and security institutions; and (v) strengthening Parliament’s legislative oversight capacity.
- e) *Public administration and Service Delivery:* The 2030 vision is “policy-driven and service-focused Government institutions”. Specific strategies will involve (i) strengthening rules and processes around the policy cycle; (ii) deepening the use of citizen and service charters as accountability tools; (iii) strengthening economic governance for better macroeconomic management; and (iv) inculcating a performance culture in the public service.
- f) *Security, Peace-Building and Conflict Management:* Vision 2030 aims to provide “security to all persons and property throughout the Republic”. Specific strategies will involve: (i) promoting public-private cooperation and civilian/community involvement for improved safety and security; (ii) deepening policy, legal and institutional reform for improved enforcement of law and order; (iii) promoting processes for national and inter-community dialogue in order to build harmony among ethnic, racial and other





interest groups; (iv) promoting peace building and reconciliation to improve conflict management and ensure sustained peace within the country; and (v) inculcating a culture of respect for the sanctity of human life that does not result to the use of violence as an instrument of resolving personal and community disputes. This should start with the family, schools, the church and all public institutions.

## **2.2 Linking the Judiciary's Mandate to Vision 2030**

Improvement in governance, access to justice, respect for the rule of law, human rights and national cohesion feature prominently across all the three pillars of Vision 2030. The Judiciary is important in attaining all these.

### **2.2.1 Programmes and Projects**

The Judiciary will implement various sets of programmes and projects during this Plan period which will target at achieving the Medium Term goals of the Vision.

### **2.2.2 National Flagship programmes**

The Vision 2030 and first Medium Term Plan identifies various flagship projects that require active participation of the Judiciary. During the Plan period the Judiciary will seek programmes/projects for delivering the following national strategies:

- Increasing service availability and access (or reducing barriers) to justice
- Streamlining the functional organization (including professionalism) of legal and judicial institutions to enhance inter-agency co-operation.
- Inculcating a culture of compliance with laws and decent human behavior.
- Encouraging public access to information.

### **2.2.3 Specific Judiciary Programmes**

In addition to the above projects, which are national in nature, the Judiciary will oversee and facilitate other programmes in the area of governance and the rule of law through the following programmes:

- a) Governance, Justice, Law Order and Sector Reform Programme
- b) Expeditious dispensation of justice
- c) Judicial Reform
- d) Anti-corruption

The detail of the strategies and activities that the Judiciary will undertake to address the above programmes are outlined in Chapter Five of this Strategic Plan.

# 3 REVIEW OF THE STRATEGIC PLAN 2005-2008

## 3.0 Introduction

This chapter reviews the Strategic Plan 2005–2008. It highlights the achievement made, challenges encountered and lessons learnt. The lessons have informed the current plan.

## 3.1 Gap Analysis

The gap analysis seeks to identify the variances between the planned activities and the achievements realized. The table below shows the analysis.

**Table 3.1 Gap analysis**

Strategy	Planned Activities	Performance Indicator	Achievements	Variance
1.1 Implement Gazette Notice Number 3801 of May 1995 delinking Judiciary from Civil Service	1.1.1 Develop and implement schemes of service for all cadres of staff	Clear schemes of service for each cadre developed and implemented	Draft schemes of service developed	Schemes of service not yet adopted.
1.2 Drafting of the Judicial Service Bill	1.2.1 Judicial Service Commission to initiate the process of drafting bill	Bill drafted and forwarded to A.G	Draft bill completed and forwarded to A.G	None
	1.2.2 Judicial Service Bill presented to Parliament and enacted	Judicial Service Act	None	Bill not presented to Parliament
1.3 The Judiciary to guard and assert its independence against both external and internal interference	1.3.1 Sensitization workshops for Judicial officers	No. of workshops held	Colloquia for Judges held annually	Workshop for Magistrates not held.





Strategy	Planned Activities	Performance Indicator	Achievements	Variance
2.1 Review and develop competitive schemes of service and terms and condition of service in line with the gazette	2.1.1 Carry out job evaluation	Job evaluation report	Job evaluation done	None
	2.1.2 Review the salary structure and prepare a cabinet paper	Recommendations and Cabinet paper	Task Force presented its report to The Hon the CJ on 8/12/06	None
	2.1.3 Approval of salary recommendations by Cabinet	New salary structure completed & implemented	New Salary proposals forwarded to the Cabinet	Report partially implemented
2.2 Review and develop rational and objective recruitment, promotion and deployment policy	2.2.1 Appoint a task force to review existing practices and make recommendations	Task force appointed and report prepared	Rational and objective recruitment, promotion and deployment policy has been adopted	None
	2.2.2 Development and implementation of policy guidelines	Recruitment, promotion and deployment policy	Not done	No recruitment, promotion and deployment policy in place
2.3 Establish a continuing education and training policy	2.3.1 Develop continuing education and training policy	Policy Paper	Training needs and training policy done	None
	2.3.2 Establish a training unit	Established training unit	Unit established	None
	2.3.3 Employ professional training staff	Hired personnel	One professional officer hired	More staff needed
	2.3.4 Continuous training of staff	Number of staff trained and certified	Training for various cadres held	No certification training held



Strategy	Planned Activities	Performance Indicator	Achievements	Variance
2.4. Sensitize members of staff on prevention and control of HIV/AIDS and strengthen ACU and VCT facilities	2.4.1 Collect statistics on HIV prevalence	HIV prevalence report	Not done	No HIV report
	2.4.2 Continue the ongoing sensitization of members	All Judiciary staff sensitized	Various workshops held	Not all staff sensitized
	2.4.3 Encourage staff to use VCT facilities	Number of VCT facilities established	Not done	No VCT facilities in place
	2.4.4 Strengthen ACU with representation and facilities	-More representatives appointed -Resource centre established -ACU Office established	Not done	ACU not strengthened
	2.4.5 Procure/ allocate a vehicle for ACU	vehicle procured	Not done	No vehicle allocated
2.5 Develop and implement a security and disaster management policy	2.5.1 Complete the setting up of the Security Unit for court facilities	Security Unit in place	Not done	No security unit in place
	2.5.2 Initiate security framework for Judicial officers	Security for Judicial officers Operationalized	Not done	Not implemented
	2.5.3 Health Insurance	Medical cover in place	Staff accessing medical cover	None
	2.5.4 Pension & gratuity scheme	Pension fund established	Pension Scheme Committee appointed in June 2008	Pension Fund not yet established
3.1 Clarify the reporting relationship at all levels	3.1.1 Develop an organizational structure that clarifies the	New organogram in place	Attempt made through zoning of courts	Reporting relationship still unclear







Strategy	Planned Activities	Performance Indicator	Achievements	Variance
	reporting relationships at the headquarters, provinces and courts			
3.2 Strengthen Judicial Service Commission	3.2.1 Expand representation in the Judicial Service Commission to incorporate all key stakeholders	Membership expanded to include other stakeholders	None	Expanded commission yet to be set up
	3.2.2 Create a secretariat	-Secretariat in place and operational	None	No secretariat
3.3 Improve Case flow management systems and processes	3.3.1 Designate case managers and facilitate them	Designated Case Managers appointed	None	No case managers designated
	3.3.2 Acquire computers and court recording equipment and install a wide area network	Installed computers, court recording equipment and wide area network	Pilot audio recording done and Some computer acquired	None
	3.3.3 Acquire and install public address system for the courts	Installed public address system	None	No system in place
3.4 Strengthen Judicial processes to eliminate rent seeking opportunities	3.4.1 Establish Anti-Corruption Committee	Established Committee	Biennial Ethics and Governance Sub-committee established	None
	3.4.2 Conduct Anti-Corruption audit of the systems and processes and make recommendations	Recommendations	Audit done	None
	3.4.3 Prepare and publish Biennial reports	Biennial reports on status of corruption	Biennial reports prepared	None

Strategy	Planned Activities	Performance Indicator	Achievements	Variance
3.5 Mainstream M&E activities	3.5.1 Establish a standing committee on monitoring and evaluation with representation from all departments	Committee established	None	No committee in place
	3.5.2 Complete development of M&E systems and implementation	M&E system in place	None	No M&E system in place
	3.5.3 Conduct continuous monitoring and evaluation	Quarterly monitoring and evaluation reports	None	No reports were produced
	3.5.4 An annual report on the state of the Judiciary by CJ	The state of the Judiciary Annual Report	None	No report prepared
4.1 Provide adequate facilities, equipment	4.1.1 Prepare a procurement plan and cost analysis	Procurement plan Cost	None	Supposed to be done annually by procurement department
	4.1.2 Resource mobilization through project proposals: IDA, SIDA, USAID, UNICEF	Resources available	Resource mobilized from IDA,GJLOS	Other development partners untapped.
	4.1.3 Construct 28 court facilities and renovate 104 court stations	Adequate facilities and equipment	40 courts at various stages of construction or renovation	None
4.2 To improve transport	4.2.1 Constitute a committee to handle transport issues	Committee in place	None	No committee
	4.2.2 Carry out a needs assessment report	Needs Report	None	No report





Strategy	Planned Activities	Performance Indicator	Achievements	Variance
	4.2.3 Develop a programme for procurement and allocation of vehicles	Procurement plan	None	No procurement plan
4.3 Establish responsive registries in all court stations	4.3.1 Constitute a committee to handle registry issues	Committee in place	Committee on Records Management in place	None
	4.3.2 Carry out needs assessment	Needs report	None	No report
	4.3.3 Develop a programme for establishing/ improving registries	Programme	None	Not done
	4.3.4 Implement programme	Responsive registries	None	Not done
4.4 Build and comprehensively equip standard law libraries at all court stations	4.4.1 Develop a standard design of Judiciary libraries	New standard design for libraries	Standard design in place	None
	4.4.2 Build libraries in all court stations	Libraries in each court station	Included in new construction of court buildings countrywide.	Some old nine(9) stations have no libraries
	4.4.3 Equipping existing and new facilities with library materials	Adequate materials	Basic reference material provided to all stations	Specialized reference material still required in all stations
	4.4.4 Install security systems to prevent loss of library materials	Equipped security system	None	Not done
	4.4.5 Computerize and link the stations by VSAT	Installed network and VSAT	None	Stations not linked
	4.4.6 Recruit and train additional staff	Recruited and trained staff	Post of Chief librarian, senior and 5 posts for library assistants advertised	Additional staff required

Strategy	Planned Activities	Performance Indicator	Achievements	Variance
	4.4.7 Develop a user and an index of available materials and continuously update it	Developed user manual and index	None	Done
4.5 Strengthen the National Council of Law Reporting	4.5.1 Acquire adequate facilities and equipment	Updated Kenya Law Reports	Kenya Law Reports updated	None
	4.5.2 Develop and launch a law reports website	Kenya Law Reports website	Website in place	None
5.1 Develop and adopt an ICT policy	5.1.1 Establish a standing committee on ICT	Established ICT Committee	Committee established	None
	5.1.2 Develop ICT policy	Policy in place	None	No policy in place
	5.1.3 Conduct ICT needs assessment	-ICT Needs Report -Programme	Need assessment done	None
	5.1.4 Mobilize resources	Resources available	Mobilized from GJLOS and IDA	More resources needed
6.1 Secure independence in financial resource management	6.1.1 Enact a legislation to enable the Judiciary to access funds directly from the Consolidated Fund and retain revenue collected	-Adequate funding -Financial independence -Act in place	Draft Judicial service bill done	None
	6.1.2 Institutionalize the Finance and Audit Division	-Finance division established Audit division	Internal and External auditors are in place	Finance Division not established
	6.1.3 Establish a fund raising committee	Fund raising committee constituted	None	Committee not constituted
6.2 Review and improve financial and procurement	6.2.1 Review existing systems and make recommendations	Recommendation made	Recommendations made	None





Strategy	Planned Activities	Performance Indicator	Achievements	Variance
system make them simple and responsive	6.2.2 Training station heads, procurement and accounting departments staff on implementation of new systems	Number of staff trained	None	No staff trained
	6.2.3 Implement new Financial information management and procurement systems	Improved and responsive systems	Implemented at Nairobi Law Courts	Not rolled out to other courts
7.1 Establish small claims courts within reachable distance (locations)	7.2.1 Establish pilot small claims courts in Kibera, Meru, Malindi, Nakuru, Bungoma	-Number of small claims courts established -Legal aid systems developed - Pauper systems developed	None	Not actualized
7.2 Introduce ADR	7.2.1 Incorporate ADR in the Judicial system	ADR incorporated in the Judicial system	Draft rules incorporating ADR done	ADR yet to be incorporated
	7.2.2 Train staff on ADR	Number of staff trained on ADR	None	No staff trained
7.3 Review and demystify rules of practice and procedure in all courts to boost access to justice	7.3.1 Amend and simplify practice and procedure rules	Friendly rules in place	Draft Rules by Rules Committee	Rules not yet operationalized
8.1 Develop a public relations and customer care policy	8.1.1 Identify a consultant to assist in developing a public relations and customer care policy	-Consultant hired -Public relation/ customer care policy developed	None	Consultant not hired Policy not developed
	8.1.2 Management approves and implements the policy	Improved public care	None	Policy not implemented



Strategy	Planned Activities	Performance Indicator	Achievements	Variance
8.2 Build capacity in customer care skills	8.2.1 Develop training programmes for capacity building and implement it	Training programme for capacity building developed Number of staff	None	No training programmes in place
	8.2.2 Establish customer care desk	trained Number of	Desk Operational in some courts	Not rolled out to all courts
	8.2.3 Produce monthly newsletter	customer care desks set up Number of newsletters	None	No monthly newsletter is being produced

### 3.2 Challenges Experienced

Several challenges were faced during the implementation of the Strategic Plan 2005-2008: Some of these include:

- Lack of an appropriate mechanism for implementation of the Plan,
- Lack of individual initiatives in formulating operational plans,
- There was no monitoring and evaluation system,
- Inadequate staffing levels,
- High staff turnover,
- Inadequate budgetary allocation to the Judiciary, and
- Lack of sufficient political goodwill for judicial reforms.

### 3.3 Lessons Learnt

The following key lessons have been learnt from the implementation of the previous Plan;

- Objectives need to be Specific, Measurable, Attainable, Realistic and Time bounded (SMART). Activities need to be fewer and prioritized.
- Both staff and stakeholders need to own the Plan to ensure its success.
- Success of the Plan depends on each member of staff discharging specific duties assigned to them effectively.
- The support of other arms of government and stakeholders is critical to the success of the Plan.
- The Judiciary needs to aggressively redeem its image.
- Departmental responsibilities for the implementation of the Plan were not clearly delineated.
- Monitoring and Evaluation is an integral part of any Plan.
- Leadership is essential to the success of any strategic plan.

These lessons have informed the current Plan.





## 4 SITUATION ANALYSIS

### 4.0 Introduction

**T**his chapter provides a detailed analysis of how internal and external environments impact on the operations of the Judiciary. It also attempts to analyze the key stakeholders and evaluate the Judiciary's performance. This is important because all these aspects influence the success of the Judiciary in achieving its mandate. The internal environment explores the strengths and weaknesses of the Judiciary. It shows the capabilities and competences the Judiciary has accumulated over time and therefore available to be exploited. The weaknesses that exist affect the level of service delivery. The external environment on the other hand provides the opportunities available and the threats that may affect the Judiciary's operations.

The stakeholder's analysis assists in identifying those organizations that the Judiciary depends on for the successful delivery of its mandate. This is important because the Judiciary must design strategies to ensure that key stakeholders interests are addressed for effective collaboration. It is on the basis of the situation analysis that strategic issues and strategies are determined.

### 4.1 Internal Environment Analysis

The analysis is aimed at identifying the strengths and weaknesses of the Judiciary. This was achieved through a Strength, Weaknesses, Opportunity and Threats (SWOT) analysis.

#### 4.1.1 Strengths

The Judiciary has identified a number of strengths related to the execution of its mandate. These are discussed below and summarized in Table 4.1.

- The Judiciary derives its mandate from the Constitution. It is one of the three arms of the Government and its existence and independence is guaranteed by the Constitution,
- There is a competent pool of professionals who include Judges, Magistrates and Non-judicial staff. The success of the Judiciary lies on these professionals,
- The Judiciary leadership is competent and committed to its values and independence. It ensures that administration of justice is dispensed without fear or favour,
- The Judiciary has an established network of courts around the country which enables easy access to justice,
- The Judiciary has a website,
- The Judiciary has adopted the use of committees in addressing various issues that affect it,
- The Judiciary generates substantial revenue for the Government,
- There is a reasonable reference material base and
- Updated case law reports.

#### 4.1.2 Weaknesses

The Judiciary is faced with various weaknesses which need to be addressed in order to create opportunities to improve performance.

##### i) Failure to assert its Independence

In spite of being granted constitutional independence, the Judiciary has failed to assert its independence. In many instances the Judiciary is treated as a department rather than an arm of government. The situation is compounded further by the fact that the Judiciary has no financial independence. For instance, in the districts money deposited as bail is deposited in the District Treasury Accounts. Upon completion of the case, it sometimes takes very long for the money to be released. This causes litigants great distress and contributes to the poor image of the Judiciary.

##### ii) Poor Case and Record Management

One of the major problems facing the Judiciary today and for which there is public outcry is the delay in determining cases. There is a huge backlog of cases in all courts. There are several factors, which explain this state of affairs. Court processes are manual as is the retrieval of records. Most of the time case flow is determined by litigants and not judicial officers. There is no internal case tracking system to ensure speedy disposal of cases. There is a serious shortage of judicial staff to handle the ever increasing case load.

##### iii) Poor Terms and Conditions of Service

Attempts have been made to harmonize salary of staff with those in private sector. However there is still much ground to be covered. Salary increments have been awarded disproportionately resulting to low staff morale. Poor remuneration has led to high staff turnover as many leave in search of greener pastures.

##### iv) Inappropriate Policy and Institutional Framework

Generally the Judiciary lacks a comprehensive policy and institutional framework on the administration of courts, human resource, financial and procurement management, public relations and customer care, planning, monitoring and evaluation. The organizational structure and reporting relationships are unclear. It also lacks a performance management system to monitor staff outputs.

Planning, Monitoring and Evaluation are weak. The Central Planning and Projects Monitoring Unit (CPPMU) although aimed at rectifying the problem is still inadequately staffed to fully carry out its mandate.





#### **v) Corruption and unethical Practices**

Corruption in the Judiciary has greatly reduced as is evidenced by the fact that the Judiciary's rating has over the years improved. However the dragon has not been fully slain.

#### **vi) Inadequate physical facilities and equipment**

The Judiciary's operations are affected by inadequate and poorly maintained facilities and equipment.

#### **vi) Information Communication Technology (ICT)**

The Judiciary is yet to fully harness the benefits that accrue from ICT. Most of the systems and processes are manual. This is the case in court proceedings, the registries and the library. Few officers have access to internet and e-mail.

#### **vii) Transport Facilities**

Inadequate of transport has hampered the administration of justice. In outlying stations for instance, courts often have to borrow transport to visit scenes. This compromises independence and delays dispensation of justice.

#### **viii) Inadequate Library and Research Material**

The Judiciary does not have adequate and well equipped resource centers at the headquarters and court stations countrywide.

#### **ix) Unrepresentative Judicial Service Commission**

The Judicial Service Commission (JSC) was formed to enhance the independence of the Judiciary. It is responsible for ensuring that the Judiciary has adequate and motivated staff for efficient service delivery. It is expected to handle all matters relating to human resource management and development. It has no strategic policy to guide essential matters affecting the Judiciary. It lacks adequate representation and has no Secretariat to coordinate and discharge its duties effectively.

### **4.2 External Environment Analysis**

The external environment provides the Judiciary with opportunities while at the same time presenting threats. These have been identified, discussed in this section and summarized in Table 4.1.



**Table 4.1 Summary of SWOT Analysis**

**i) Internal Environment Analysis**

Strength	Weaknesses
<ol style="list-style-type: none"> <li>1. The Judiciary is well entrenched in the constitution</li> <li>2. A competent pool of professionals</li> <li>3. Competent leadership</li> <li>4. A fair network of courts throughout the country</li> <li>5. Generates revenue</li> <li>6. A reasonable reference material base</li> </ol>	<ol style="list-style-type: none"> <li>1. Failure to assert the independence of the Judiciary</li> <li>2. Poor case and records management</li> <li>3. Poor policy and institutional framework</li> <li>4. Corruption and unethical practices</li> <li>5. Poor infrastructure</li> <li>6. Inadequacy of reports, library and research materials</li> <li>7. Unrepresentative Judicial Service Commission</li> </ol>

**ii) External Environment Analysis**

Opportunities	Threats
<ol style="list-style-type: none"> <li>1. Goodwill and support from Development Partners, civil society organizations and the public.</li> <li>2. Advances in information and communication technology (ICT)</li> <li>3. Availability of a pool of competent professionals in the market</li> <li>4. Constitutional Review</li> <li>5. On-going reforms in administration of justice</li> </ol>	<ol style="list-style-type: none"> <li>1. Political interference</li> <li>2. General insecurity in the country which affects judicial officers</li> <li>3. Adverse publicity and declining public confidence</li> <li>4. Inaccessibility to justice</li> <li>5. Weak links with stakeholders</li> <li>6. HIV/ AIDS pandemic.</li> </ol>

**4.2.1 Opportunities**

A number of opportunities were identified which the Judiciary can take advantage of in order to improve delivery of justice. These opportunities are discussed below:

**i. Goodwill**

The Judiciary is currently enjoying goodwill from development partners who have readily come forth to fund programmes. This can be exploited to fund activities not covered by the funds from the government

**ii. Availability of Professionals**

There is a pool of professionals in Kenya which the Judiciary can tap from for efficient service delivery.





### iii. Policy Pronouncements

Policy pronouncement and other efforts by international community provide opportunities that the Judiciary can exploit to enhance the delivery of justice.

#### a) GJLOS Reforms

The GJLOS Reform Programme brings together all key institutions in the legal sector (including the Police, Prisons, Probation Services, AG's Office and Judiciary). This programme is designed to provide a sector wide approach to addressing the chronic problems relating to promotion of human rights, governance, the administration of justice, law and order, public safety and security and guiding the legal sector in Kenya. It has a special focus on access to justice for the poor including women and children. The programme has funded several programmes in the Judiciary.

#### b) Agenda 4 of National Peace Accord

The Peace Accord recommends the enactment of a new constitution which will anchor the following reform measures:

- Financial independence for the Judiciary,
- Transparent and merit based appointment, discipline, and removal of Judges,
- Strong commitment to human rights and gender equity,
- Reconstitution of the Judicial Service Commission to include other stakeholders and enhance independence and autonomy of the commission,
- Enact Judicial Service Commission Act, with provisions for Peer Review Mechanisms,
- Performance Contracting and
- Streamlining Judicial functions.

The planned national reforms present an excellent opportunity for the Judiciary to exploit the wave of change currently flowing through the country to achieve its goals.

### 4.2.2 Threats

Threats that hamper effective delivery of justice in the Judiciary were identified and are discussed below.

#### i) Political interference with judicial decisions

This country has witnessed unfortunate incidents of outright disobedience of court orders by the Executive. This interferes with the independence of the Judiciary and is an affront to the principle of the Rule of law. As a means of eliminating such incidents



the Judiciary will work closely with all stakeholders to ensure that the three arms of government while working as one government, are able to work independently and offer checks and balances on each other.

## **ii) Insecurity**

The general insecurity in the country affects the Judiciary. Judicial officers preside over cases that have serious implications on the lives of the hardcore criminals responsible for the insecurity and terrorism in the country. For Judicial officers to be impartial, their security needs to be enhanced.

## **iii) Adverse Publicity and lack of confidence**

Traditionally the Judiciary has been a respected institution that is looked upon to administer justice impartially to all. However, due to increasing cases of corruption and delays in administration of justice, this respect appears to be on the decline. Presently people are prone to questioning the quality of decisions made by the courts. It has not been possible to predict case determination both in terms of the duration it would take and its likely outcome. Though the Judiciary has put in place measures to reverse this situation, a lot more needs to be done.

## **iv) Inaccessibility to Justice**

In spite of several efforts made at ensuring justice for all, many Kenyans are unable to access justice for several reasons; long distances to courts, poverty, high cost of legal representation, technical rules of procedure and lack of information on court processes. Some cultural values and beliefs discourage people from seeking justice from the courts. This is common in cases involving land, murder, sexual offences, etc where communities have their own ways of solving these issues.

## **v) Weak Links with Stakeholder**

Administration of justice is a supply and demand chain that involves the State Law Office, Parliament, the Police, the Children's Department, the Probation and After Care Services Department, the Law Society of Kenya and other service providers. Each of these institutions has an important role to play in delivery of justice. For instance, the State Law Office must draft bills for enactment besides prosecution of criminal cases and representing the Government in civil litigation. Parliament must debate and enact the laws to be administered by the Judiciary. The Prisons Department must present offenders to court. There is need for seamless links and collaboration in order for the courts to meet their case schedules. More often than not, offenders may not be presented to courts on time, advocates and State Counsels seek adjournments. The links among these stakeholders





in administration of justice must be strengthened through communication for better programming and execution of cases.

#### **vi) HIV/AIDS Pandemic**

The HIV/AIDS pandemic is a real threat to administration of justice. Just as in other Government Ministries/Departments, a significant number of the Judiciary's staff are either infected or affected by this pandemic. The Judiciary's schedules of activities cannot, therefore, be implemented as planned because those infected or affected cannot put in the time required; besides the Judiciary spends resources on their care and management.

### **4.3 Stakeholder Analysis**

The key stakeholders of the Judiciary are: Judiciary staff, Parliament, Ministry of Finance, Ministry of Justice, National Cohesion and Constitutional Affairs the State Law Office, the Police Department, the Prisons Department, the Probation and Aftercare Department, the Law Society of Kenya, the Kenya Anti-Corruption Commission and the litigants. The roles and relationships between the Judiciary and these organizations are discussed briefly below and summarized in Table 4.2

#### **i) Judiciary Staff**

The Judiciary staff are the first line stakeholders and their welfare and needs must be looked after so that they are motivated to be more productive. The staff provide services and effective links with all the other stakeholders. The efficiency and effectiveness of the employees therefore reflects on the image of the Judiciary as well as its performance. For this reason, staff welfare and remuneration is of paramount importance for mutual co-existence.

#### **ii) Parliament**

Parliament is responsible for legislative matters. The Judiciary relies on parliament to enact necessary legislation to enable it carry out its mandate.

#### **iii) Ministry of Finance**

To dispense justice is an expensive affair and the Judiciary must be funded adequately. One problem facing the Judiciary is inadequate facilities and equipment, low remuneration, poor case management and records. To improve all these, the Ministry of Finance must be sensitive to the Judiciary's financial needs and provide adequate funds.





#### **iv) The Ministry of Justice, National Cohesion and Constitutional Affairs**

Ministry of Justice, National Cohesion and Constitutional Affairs has the responsibility to provide coordination and facilitate the sector reforms and programmes. The Ministry represents the Judiciary's policies in Parliament and Cabinet.

#### **v) State Law Office**

The State Law Office is responsible for the prosecution of the criminal cases and represents the state in civil matters. Hence to achieve efficiency in the operation of the Justice system, there must be collaboration between the Judiciary and the State Law Office.

#### **vi) The Police Department**

The Police Department's main responsibility is to maintain law and order. It is the responsibility of the Police to conduct criminal investigations, apprehend offenders and present them to court. In this regard, the Police have a vital role in assisting the Judiciary to dispense justice.

#### **vii) The Prisons Department**

The Prisons department provides custody to those convicted and remanded in Prisons and Remand Homes. It is their duty to produce them in court as and when required. Court proceedings are adversely affected by the prisons department who sometimes produce the offenders late or not at all for the proceedings.

#### **viii) The Probation and Aftercare Department**

The Probation and Aftercare Department has two roles; it conducts social inquiry on some offenders and presents reports to courts to help the court determine suitable sentences and secondly, it administers some non-custodial sentences. In this respect, the department affects the speed at which the court can finalize cases and at the same time allows the court to apply the non-custodial sentences under the Community Service Orders Act and the Probation of Offenders Act effectively.

#### **ix) The Children's Department**

The Children's Act, Chapter 586 of the Laws of Kenya requires that the Chief Justice set up special courts for children's cases. The Children's Department is required to carry out all investigations in cases involving children with a view to ensuring that their rights are





protected. Determination of court cases children is influenced by the effectiveness of the Children's Department.

#### viii) The Law Society of Kenya (LSK)

The Law Society of Kenya (LSK) is the professional members' organization for Advocates who provide legal services to the litigants. The LSK, therefore, has influence on the case management and disposal through its members who appear before the courts. The Law Society of Kenya therefore ought to work very closely with the Judiciary to expedite dispensation of justice to all.

**Table 4.2: Summary of Stakeholder Analysis**

Stakeholder	Role	Dependence/Relationship
Judiciary Staff	<ul style="list-style-type: none"><li>• Provide services and links to stakeholders</li><li>• Determine cases etc.</li></ul>	<ul style="list-style-type: none"><li>• Determine cases</li><li>• Prime movers in influencing the speed of discharging cases</li><li>• Dispense justice</li><li>• Earn their living through the Judiciary</li></ul>
Parliament	<ul style="list-style-type: none"><li>• Legislation</li></ul>	<ul style="list-style-type: none"><li>• enact necessary legislation to enable it carry out its mandate.</li></ul>
Ministry of Finance	<ul style="list-style-type: none"><li>• Budget provisions for Judiciary Programmes</li><li>• Release funds to the Judiciary</li></ul>	<ul style="list-style-type: none"><li>• Influence implementation of Judiciary programmes and activities</li></ul>
Ministry of Justice and Constitutional Affairs	<ul style="list-style-type: none"><li>• Provide coordination for the sector</li><li>• Facilitate sector activities</li></ul>	<ul style="list-style-type: none"><li>• Develop supportive policies and push them through Cabinet</li><li>• Access to sector funds and other resources</li><li>• Advocacy in Parliament</li></ul>
State Law Office	<ul style="list-style-type: none"><li>• Public Prosecution</li><li>• Civil Litigation</li><li>• Legislative Drafting</li></ul>	<ul style="list-style-type: none"><li>• Influence the speedy prosecution of cases and dispensation of justice</li></ul>
Police Department	<ul style="list-style-type: none"><li>• Maintain law and order</li><li>• Apprehend offenders</li><li>• Investigations and prosecutions</li></ul>	<ul style="list-style-type: none"><li>• Influence speed of prosecutions</li><li>• Maintain law and order</li></ul>
Prisons Department	<ul style="list-style-type: none"><li>• Provide treatment to those convicted and remanded</li><li>• Produce those remanded to Court</li></ul>	<ul style="list-style-type: none"><li>• Influence speedy determination of cases</li></ul>
Probation and After-care Department	<ul style="list-style-type: none"><li>• Conduct social inquiry on some offenders and present report to court</li></ul>	<ul style="list-style-type: none"><li>• Influence speedy dispensation of justice</li><li>• Implement the CSO</li></ul>

**Table 4.2: Summary of Stakeholder Analysis**

Stakeholder	Role	Dependence/Relationship
	<ul style="list-style-type: none"> <li>Administers non-custodial sentences</li> </ul>	
Children's Department	<ul style="list-style-type: none"> <li>Carry out investigations in cases involving children</li> <li>Administer the Children's Act 2001</li> <li>Protect the rights of the Children</li> </ul>	<ul style="list-style-type: none"> <li>Influence speedy dispensation of justice</li> <li>Uphold children rights</li> </ul>
Law Society of Kenya	<ul style="list-style-type: none"> <li>Provide legal services to the litigants</li> </ul>	<ul style="list-style-type: none"> <li>Assist in case management and disposal in the court</li> <li>Speedy administration of justice</li> </ul>
Kenya Anti-Corruption Commission (KACC)	<ul style="list-style-type: none"> <li>Investigate corruption and economic crimes</li> </ul>	<ul style="list-style-type: none"> <li>Influences speedy determination of corruption cases</li> </ul>
The media and advocacy groups	<ul style="list-style-type: none"> <li>Help shape the image of the Judiciary</li> <li>Put pressure for provision of better and quality service</li> </ul>	<ul style="list-style-type: none"> <li>Influence perceptions of Judiciary</li> <li>Help improve the quality of justice</li> </ul>
Litigants	<ul style="list-style-type: none"> <li>Sources of disputes for determination</li> </ul>	<ul style="list-style-type: none"> <li>Consumers of court services.</li> </ul>
Development Partners	<ul style="list-style-type: none"> <li>Give programme and development support including financing and training opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>Financing and other facilitation</li> </ul>

#### **x) Kenya Anti-Corruption Commission**

The Anti-Corruption and Economics Crime Act requires the establishment of the Anti-Corruption Courts dedicated to handling corruption and economic crimes cases. KACC is responsible for investigation of corruption and economic crimes.

#### **xi) The Media and Advocacy Groups**

The media and advocacy groups help shape the image of the Judiciary by providing an avenue for the Judiciary to communicate with the public and receive feedback. They also lead to accountability and transparency in the Judiciary.

#### **xii) Litigants**

Litigants are the consumers of court services. They are the reason behind the Judiciary's existence. It is the needs of the litigants that inform the Judiciary's expansion





programme.

### **xiii) Development Partners**

The Development Partners provide programme and developmental support to the Judiciary. This support includes financial and capacity building opportunities.

#### **4.4 Summary**

From the above analysis, the Judiciary faces various challenges which include the following: inability to attract, develop and retain adequate staff because of poor remuneration, poor schemes of service, lack of a training policy, weak performance management system and poor recruitment, promotion and deployment policies.

The physical facilities are inadequately developed and managed. Structures, policies, systems and procedures are either unclear or inadequate. The financial base for the Judiciary is weak and so is its independence. Litigants do not adequately access justice if and when needed. The Judiciary's public image is poor. Arising from these are the issues that will be addressed in the next chapter.



# 5 STRATEGIC FOCUS

## 5.0 Introduction

**T**his chapter discusses strategic issues to be addressed during the Plan period. In arriving at the strategic issues shortcomings in the previous plan, and the strategic issues raised in Vision 2030 and the Medium Term Plan have been considered. These issues are also made in the context of the key functions and broad goals (Table 1.1) towards effective and efficient realization of the Judiciary's Vision and Mission.

## 5.1 Strategic Issues

The following issues have been identified for implementation during this Plan period:

### 5.1.1 Enhance Judicial independence

For Kenya to achieve its vision of transforming the country into an industrialized middle income state, providing a high quality of life, the Judiciary will play the important role of delivering predictable, speedy and impartial justice. In order to best perform this task, the Judiciary will be seen to be an "independent" provider of quality justice.

The independence of the Judiciary has been compromised by several factors such as inadequacy in human and financial resources. It is imperative that in this Plan period, effort is made to fully de-link the Judiciary from the mainstream Public Service in order to achieve complete autonomy in the management of its financial and human resources. Mechanisms must also be put in place to ensure that court orders are obeyed by all.


### 5.1.2 Improve the image of the Judiciary

Over the years the Judiciary has faced allegations of corruption, case delays, backlogs and incompetence, which have tainted its image. This Plan has identified communication as fundamental and a major priority for the Judiciary. It has also formulated strategies to address the above perennial complaints.

### 5.1.3 Build Capacity in Human Resource Management and Development

Though human resource is the most important resource in the Judiciary, there are considerable problems in its development and management that need to be addressed. Some of the issues identified are: low remuneration, uncompetitive schemes of service, lack of a clear pension scheme, and lack of a training policy, weak performance management system, unclear





recruitment, promotion and deployment, lack of gender mainstreaming policy, insecurity, and effects of HIV/AIDS. Judiciary's aim in this plan is to attract, develop and retain adequate professional staff. This will contribute to easing workload and hence reducing backlog of cases.

#### **5.1.4 Improve access to Justice**

Access to justice is defined on three levels; namely physical access to courts, knowledge of the court process and the quality of justice dispensed. In spite of numerous efforts made to ensure that all are able to access justice in the courts, it is a matter of concern that many people travel long distances to reach courts, and when they do are unable to access justice owing to technicalities of procedure. This plan seeks to reduce the barriers that litigants face in their quest for justice.

#### **5.1.5 Improve Institutional Structures**

Establishment of well coordinated and streamlined structures was one of the key objectives to be achieved during the previous Plan. Most of the activities formulated under this objective were not achieved because of various challenges faced. Implementation of this objective has been carried forward to this Plan.

#### **5.1.6 Adopt and institutionalise appropriate Information Communication Technology and Other Facilities**

The Judiciary has recognized the need to embrace technology in line with changing global trends. Automation of court processes will address perennial problems such as loss of files, backlog and data storage. During the Plan period an ICT policy will be developed that will provide guidelines on technological development in the Judiciary.

#### **5.1.7 Enhance and Streamline Financial Management and Procurement Systems**

Over the years the Judiciary has not received adequate budgetary allocation from the Treasury. At the district level, the Judiciary's finances are kept at the District Treasury like other Government Ministries/Departments. Retrieval of these funds more specifically the legal deposits which are to be refunded to the litigants is very cumbersome leading to a lot of delays. Internal system inefficiencies pose a challenge to effective and efficient financial management. During the planning period, a comprehensive financial management system will be developed.

### **5.2 Strategic Objectives and Strategies**

The following specific objectives and strategies have been designed towards delivering the agreed targets over the plan period.



## **Strategic Objective 1.0:- To enhance judicial independence to enable the Judiciary carry out its key functions effectively**

Vision 2030 emphasizes the separation of powers as a key pillar of good governance. The activities under this objective will seek to enhance the independence of the Judiciary to enable it to effectively carry out its key functions.

### **Strategy 1.1: Implement Gazette Notice No. 3801 of 8th May 1995 de-linking the Judiciary from the Civil Service**

The Judiciary was de-linked from the mainstream Civil Service with effect from 1st January 1993 in so far as terms and conditions of service of Judiciary staff are concerned. With effect from this date new schemes of service for all Judiciary staff should have been formulated and implemented. This overdue task will be given priority in the Plan period.

### **Strategy 1.2: Re-submit the Judicial Service Bill**

The draft Judicial Service Bill which was sent to the Attorney General was not presented to Parliament for enactment. Appropriate efforts will be undertaken to sensitize other arms of government on the importance of the legislation. A starting point will be holding a national workshop bringing together all policy leaders to deliberate on an ideal Judiciary for Kenya and chart the way forward.

### **Strategy 1.3: Providing a framework for judicial independence and inclusive delivery of justice**

The Judiciary's independence and accountability can be found in its decisions which reflect the integrity of its judicial officers. There is need to provide a framework for all the key players in governance to participate in and appreciate the context of judicial independence towards achieving justice for all. This will encourage support from the public and other arms of government. To evolve a desirable culture of judicial independence, the following activities will be undertaken:

- Sensitization workshops for targeted groups to appreciate judicial independence.
- Judges Colloquia on tenets of independence.
- Hold workshops for magistrates and non judicial staff.
- Hold seminars for other stakeholder representatives to inform and educate them on judicial independence.





## **Strategic Objective 2.0:- To Improve the Image of the Judiciary to Restore Public Confidence in the Institution**

The Judiciary continues to face allegations of corruption, backlog of cases, limited access by the public, cumbersome rules and procedures amongst other issues. These have eroded the confidence of the Kenyan people in the Judiciary. A new initiative will be mounted to reverse this trend through the establishment of a communications department amongst other things.

### **Strategy 2.1: Establish a Communications Department**

A communication centre manned by professional staff will be established to oversee all communication matters. Adequate information will be disseminated to the public and other stakeholders to enable them understand the court processes.

### **Strategy 2.2: Develop a Communication Policy**

The strategy aims at developing a policy that will boost the image of the Judiciary by opening up channels of communication. It aims at improving efficiency and effectiveness and being responsive to the needs and concerns of litigants and stakeholders in service delivery.

### **Strategy 2.3: Establish dialogue with Stakeholders**

The Judiciary depends on other stakeholders in the exercise of its mandate. In this regard, structures for linkages with partners will be strengthened through various activities through establishing court users committees, formulating bar-bench relations Committees and holding regular open days.

## **Strategic Objective 3.0:- To Build Capacity in Human Resource Management and Development to Achieve Higher Performance**

Human Resource is a key pillar in the Judiciary's transformation. It is besieged by numerous problems that will be addressed by the following strategies;

### **Strategy 3.1: Develop a Human Resource Policy**

The Human Resource Policy framework will incorporate the following:

- Recruitment, promotion, placement, deployment and appraisal of staff,
- Competitive remuneration package and reward system,
- Terms and conditions of service,
- Continuing Education,
- Staff welfare policy incorporating sensitization on HIV/AIDS, psycho-socio support and bereavement,





- Succession planning and
- Separation.

### **Strategy 3.2: Design Appropriate Performance Management System**

A Performance Management System will be developed that recognizes and rewards good performance while identifying gaps. The system will set standards for performance evaluation.

### **Strategy 3.3: Improve staff welfare**

An organization that looks after its staff welfare is sure to obtain optimum results. A psycho-socio support unit will be set up to provide counseling to staff. Team building activities and sports amongst staff of the Judiciary will be carried out.

### **Strategy 3.4: Establish an Appropriate Organizational Structure**

This Plan proposes the need to establish an appropriate organization structure which clearly defines functions and responsibilities of each office. The structure will define and institutionalize reporting relationships.

### **Strategy 3.5: To strengthen the Judiciary Training Institute so as to enhance staff capacity and competence**

The Judiciary Training Institute will be equipped to offer regular courses to staff. Capacity building in specialized areas such as gender, human rights and anti corruption will be carried out. All staff will be required to undergo five days training in a year.

### **Strategic Objective 4.0:- To Improve Access to Justice to Ensure Litigants Have Easy and affordable Justice for a Fair and Just Society**

This objective has been partially achieved in the previous Plan period. The activities which were not implemented have been brought forward to this Plan.

### **Strategy 4.1: Establish additional courts**

This Plan recognizes the need to increase the number of courts in line with the growing number of people seeking justice. The Judiciary will develop in-house expertise to supervise construction of courts.

### **Strategy 4.2: Improve legal aid and the pauper brief system**

For those unable to afford legal fees, the legal aid and pauper brief system will be improved





and expanded to include litigants appearing in the lower courts. A help desk will be set up in each registry to offer advice on court functions.

#### **Strategy 4.3: Simplify and modify rules and procedures in the courts**

Rules and procedures in civil and criminal cases will be simplified and modified. This will include the introduction of Alternative Dispute Resolution (ADR).

#### **Strategy 4.4: Improve Juvenile Justice**

Various activities will be carried out aimed at ensuring that children are able to access justice in line with the provisions of the Children Act.

#### **Strategic Objective 5.0:- To Improve Institutional Structures to Ensure Efficient Delivery of Services**

During this Plan period the Judiciary intends to establish appropriate structures and systems that will lead to efficient workflow management.

#### **Strategy 5.1: Strengthen the Judicial Service Commission (JSC)**

The JSC is established to strengthen Judiciary operations through policy formulation and implementation. The Judiciary will seek to have appropriate Constitutional amendment aimed at empowering and expanding the JSC to provide adequate representation of key stakeholders. A secretariat will be established to facilitate effective operations of the Judicial Service Commission.

#### **Strategy 5.2: Create a Climate for Zero-tolerance to Corruption**

Corruption in any institution is encouraged by loopholes exploited by corrupt people. The Judiciary aspires to uphold integrity and honesty in the administration of justice. A Standing Ethics and Governance committee will be set up. This Committee will undertake spot anti-corruption auditing, monitor and report on all forms of corruption for further action.

#### **Strategy 5.3: Improve Case Flow Management**

To achieve speedy and effective delivery of services, the case management system will be improved as follows:

- Introduce digital recording of court proceedings,
- Establish online filing of cases,
- Train staff on Case flow management,
- Develop operational manuals for registry staff,

- Appoint case managers to monitor cases,
- Establish time lines for performance of tasks and
- Automate the filing system in registries.

#### **Strategy 5.4: Mainstream Monitoring and Evaluation (M & E)**

The Judiciary requires to implement an effective monitoring and evaluation system to ensure effective implementation of programmes and activities. In the plan period, the Judiciary will institutionalize monitoring and evaluation. To achieve this, a monitoring and evaluation committee comprising representatives of relevant departments will be formed. This committee in collaboration with the Central Planning and Projects Monitoring Unit (CPPMU) will spearhead this process by developing a clear M & E system with measurable indicators. Special attention will be directed on cases filed, decided, pending, revenue collected and progress of on-going construction and other activities. Periodic Monitoring and Evaluation reports will be prepared and their findings used to make informed management and policy decisions.

#### **Strategic Objective 6.0:- Adopt and institutionalize Appropriate ICT and other Facilities to Improve Efficiency in Operations**

The Judiciary has lagged behind in adoption of technology and other facilities. This Plan intends to improve the facilities and adopt appropriate technology.

#### **Strategy 6.1: Institutionalize appropriate Information Communication Technology Framework**

Automation of court processes will address perennial problems such as loss of files, backlog and data storage. In the Plan period, an ICT policy will be developed in line with the E-Government Strategy. The Judiciary through various activities will embrace ICT to streamline its operations and make them more efficient.

#### **Strategy 6.2: Modernize Library services**

Judicial Libraries play an important role in the dispensation of justice. Library services provide the members of the Bench and the Bar with the “the tools of trade”. The following activities will be implemented:

- Equip libraries with library materials,
- Computerize library services in all Court of Appeal registries and High Court Stations
- Subscribe to e-journals and e-books. and
- Create e-library and e-information.

#### **Strategy 6.3: Improve Transport facilities**

Although transport is key to all activities, the Judiciary has been unable to provide this service





to its employees due to lack of a transport policy and inadequate resources to purchase new vehicles and replace old ones. This delays the dispensation of justice, as officers are unable to visit crime scenes and carry out other administrative duties. In the Plan period a transport policy and a programme for procurement and distribution of vehicles will be developed.

### **Strategic Objective 7.0:- Enhance and Streamline Financial Management and Procurement to Optimize Allocation and Use of Resources**

The Judiciary has faced a lot of financial challenges that has impacted on the implementation of various programmes. The procurement system has also been weak. In this Plan period the Judiciary will promote prudent financial management and streamline the procurement system.

#### **Strategy 7.1: Streamline Financial Management**

The Judiciary is currently operating with weak financial and administration controls and inadequate policy guidelines in all sections. The Government Financial Management Act, 2004 gives general guidelines but fails to address challenges posed by technological advancements.

The following will be undertaken during the Plan period:

- Review of the financial systems,
- Capacity building through recruitment and training,
- Automation of financial processes, and
- Establish an audit committee.

#### **Strategy 7.2: Mainstream Procurement**

Procurement is governed by the Procurement and Disposal Act, 2005 that came into effect in January, 2007. The Act defines several regulations to be observed by any public procuring entity. During the Plan period appropriate internal structures will be established in line with the Act and the following activities will be undertaken:

- Customize the existing procurement policy/ manual,
- Disseminate the Procurement Policy,
- Capacity building for staff, and
- Decentralize procurement functions.

The above objectives and strategies will be actualized through activities set out in the Implementation Matrix (Appendix I).



# 6 RESOURCE MOBILIZATION

## 6.0 Introduction

**T**he successful implementation of this Plan will involve mobilization of both human and financial resources. This chapter sets out how human and financial resources shall be mobilized to meet the implementation targets.

## 6.1 Human Resource

The Human Resource is the most valuable resource in any organisation. The Judiciary will endeavour to procure, develop and retain a competent pool of professionals and support staff. The provision of Human Resources (HR) has continued to be supply-driven. It has not adequately responded to changing employment requirements. During the Plan period, the Judiciary will focus on demand-driven procurement. Though there is adequate pool of professionals in the job market, the Judiciary has been unable to offer sufficiently attractive packages.

There are 1,334 vacancies that need to be filled. Out of an establishment of 85 posts of Judges, only 56 are filled leaving 29 vacancies. There is an establishment of 554 posts of magistrates. The current in-post is 279 leaving a balance of 275. The approved establishment for the Non-judicial officers is 4,021. The in-post is 2,991 and leaving a balance of 1,150 vacancies.

During the next four years, it is projected that the Judiciary will require 7 judges, 70 magistrates and 334 non judicial staff annually to fill the existing vacancies. Workload analysis will provide the basis for projection during the plan period to satisfy the emerging demand.

### 6.1.1 Staffing Levels

The table below shows the summary of staffing levels in the Judiciary.

Table 6.1 Summary of staffing levels in the Judiciary





DESIGNATION	APP. POST	IN POST	VACANT POSTS	OVEREST
<b>JUDICIAL OFFICERS</b>				
Chief Justice	1	1	0	0
Judge Appeal	14	10	4	0
Puisne Judge	70	45	25	0
<b>TOTAL</b>	<b>85</b>	<b>56</b>	<b>29</b>	<b>0</b>

Registrar	1	1	0	0
Chairman Cooperative Tribunal	0	1	0	1
Chief Court Administrator	1	1	0	0

<b>MAGISTRATES</b>				
Chief Magistrate	20	14	6	0
Senior Principal Magistrate	45	17	28	0
Principal Magistrate	50	31	19	0
Principal Deputy Registrar/Lay	1	0	1	0
Senior Resident Magistrate	100	98	2	0
Resident Magistrate	150	113	37	0
Deputy Registrar	0	1	0	1
Research Assistant (Legal)	20	1	19	0
District Magistrate I	25	0	25	0
District Magistrate II/RM II	143	5	138	0
<b>TOTAL</b>	<b>554</b>	<b>280</b>	<b>275</b>	<b>1</b>

Chief Kadhi	1	1	0	0
Kadhi I	3	1	2	0
Kadhi II	15	15	0	0
Kadhis	19	17	2	0

<b>NON JUDICIAL OFFICERS</b>				
Deputy Director of Human Resource Mgt	1	0	1	0
Senior Asst. Director of Human Resource Mgt	1	0	1	0
Asst. Director of Human Resource Mgt.	1	0	1	0
Principal Secretarial Officer	1	1	0	0
Deputy Chief Finance Officer	1	0	1	0
Senior Executive Secretary	8	1	7	0
Principal Accounts Controller	1	1	0	0



DESIGNATION	APP. POST	IN POST	VACANT POSTS	OVEREST
Accounts Controller	1	1	0	0
Principal I.C.T Officer	0	1	0	1
Senior Statistician/Economist	1	2	0	1
Public Relations Officer	1	1	0	0
Chief Human Resource Mgt. Officer I	1	1	0	0
Executive Secretary	14	2	12	0
Chief Accountant	1	0	1	0
Senior Finance Officer	1	0	1	0
Chief Librarian	1	1	0	0
Chief Executive Officer	3	5	0	2
Chief Supplies Officer	1	1	0	0
Senior Personal Secretary	18	9	9	0
Senior. Human Resource	1	0	1	0
Management Officer				
Senior Human Resource	0	1	0	1
Development Officer				
Senior Executive Officer	23	3	20	0
Senior Accountant	2	2	0	0
Senior Supplies Officer	2	1	1	0
Senior Librarian	1	0	1	0
Personal Secretary I	24	19	5	0
Human Resource Management Officer I	4	5	0	1
Librarian I	1	1	0	0
Executive Officer I	23	12	11	0
Accountant I	5	5	0	0
Supplies Officer I	1	0	1	0
Archivist	1	0	1	0
Telephone Supervisor I	1	0	1	0
Personal Secretary II	22	20	2	0
Senior Shorthand Typist	17	3	14	0
Telephone Supervisor II	1	1	0	0
Librarian II	13	10	3	0
Human Resource Management Officer II	10	5	5	0
Accountant II	47	36	11	0
Executive Officer II	76	31	45	0
Supplies Officer II	1	1	0	0
Senior Executive Assistant	68	34	34	0
Senior Accounts Assistant	57	21	36	0
Senior Arch. Assistant 1/Archivist III	29	7	22	0





DESIGNATION	APP. POST	IN POST	VACANT POSTS	OVEREST
Court Bailiff	16	10	6	0
Senior Library Assistant/Lib. III	13	16	0	3
Human Resource Management Asst. III	8	6	2	0
Executive Assistant	268	240	28	0
Supplies Assistant	2	2	0	0
Shorthand Typist I	31	40	0	9
Senior Driver I	3	1	2	0
Telephone Supervisor III	5	3	2	0
Assistant Security Officer	1	1	0	0
Accounts Assistant 1/11	57	43	14	0
Library Assistant 1/II	27	13	14	0
Senior Telephone Operator	83	5	78	0
Security Warden (Ushers)	24	17	7	0
Shorthand Typist II	23	9	14	0
Senior Process Server	4	1	3	0
Senior Clerical Officer	151	200	0	49
Copy Typist 1, II & Senior	313	237	76	0
Charge-hand (Electrical)	1	1	0	0
Plumber Grade III	2	1	1	0
Electrical Grade III	1	0	1	0
Storeman	4	4	0	0
Clerical Officer/HCO	1,301	1,109	192	0
Refrigeration (Mechanic II/III)	1	1	0	0
Motor-vehicle Mechanic	2	0	2	0
Machine Operator	2	1	1	0
Archives Assistant	36	26	10	0
Driver III/Senior	66	42	24	0
Process Server IIA/IIB/III/I	173	149	24	0
Artisan	1	1	0	0
Telephone Operator II-I	11	32	0	21
Receptionist	12	0	12	0
Senior Subordinate Staff	154	186	0	32
Watchman	177	143	34	0
Subordinate	561	206	355	0
<b>NON JUDICIAL OFFICERS</b>	<b>4,021</b>	<b>2,991</b>	<b>1,150</b>	<b>120</b>
<b>GRAND-TOTAL</b>	<b>4,681</b>	<b>3,347</b>	<b>1,456</b>	<b>122</b>

Source: HRM Department



### 6.1.2 Composition of Professional Staff

Lawyers comprise 287 or 86% of the professional staff. They are followed by administrators/ Executive Officers who account for 26 or 7.8% of the total professional staff. The other professional staff are Accountants 7 or 2.1%, Human Resource Management Officers 6 or 1.8%. Others are Economists, ICT and Librarians with 2,1 and 2% respectively as shown in the table below:

**Table 6.2**            **Composition of professional staff**

	Professional description	Number	Percentage
1.	Lawyers	287	86
2.	Human Resource/Personnel	6	1.8
3.	Accountants	7	2.0
4.	Administrators	26	7.8
5.	ICT Officer	1	0.3
6.	Economists	2	0.6
7.	Librarians	1	0.6
	<b>Total</b>	<b>330</b>	<b>100</b>

### 6.1.3 Centrality of Human Resource in the Strategic Plan

This Plan is people centered, hence Human Resource is viewed as instrumental to its success. Views of representative members of the Judiciary and stakeholders were widely sought and have been incorporated. As a key implementation strategy, the Plan seeks to fully exploit the Human Resource of the Judiciary. This will be achieved in the following ways:

- Each department in collaboration with the Human Resource Department will be establishing its optimal staff capacity necessary to carry out the planned activities. A work load analysis will be carried out to determine the number of staff required in each station and their position in the proposed organogram.
- Recruitment of respective staff will be undertaken to fill the gaps.
- Appropriate training programmes will be developed to build capacity for the smooth implementation of the Plan.
- During the Plan period, the Judiciary will develop an organogram and establish a proper reporting mechanism to increase accountability.





## 6.2 Financial Resource

Sufficient financial resources are necessary for the successful implementation of this Plan. The Judiciary will employ a number of strategies to mobilize resources.

### 6.2.1 Projected Resource Requirements

In Chapter Five strategic objectives, strategies and activities of this plan were set out and are tabulated and the cost estimated in the implementation matrix (Appendix I).

**Table 6.3 Summary of projected resources requirements**

Strategic Objective		Budget in Kshs
1.	To enhance judicial independence to enable the Judiciary carry out its key functions effectively	125m
2.	To Improve The Image of The Judiciary to Restore Public Confidence in The Institution	509m
3.	To Build Capacity in Human Resource Management and Development to Achieve Higher Performance	229m
4.	To Improve Access to Justice to Ensure Litigants Have Easy and affordable Justice for a Fair and Just Society	1.14B
5.	To Improve Institutional Structures to Ensure Efficient Delivery of Services	273m
6.	To Adopt and institutionalize Appropriate ICT and other Facilities to Improve Efficiency in Operations	3.174B
7.	Enhance and Streamline Financial Management and Procurement to Optimize Allocation and Use of Resources	137m
<b>Total</b>		<b>5.627B</b>

### 6.2.2 Projected Annual Requirements

The seven strategic objectives identified will be implemented throughout the plan period with activities being sequenced in a logical and priority order. The sequencing of activities is relevant for orderly planning, implementation and costing of the plan annually. The annual resource requirement should be compared with the MTEF ceiling to get the resource gaps. Table 6.4 shows annual resource requirement for each of the seven (7) strategic objectives, with the annual MTEF estimated ceilings and the projected financial gap.

**Table 6.4** Projected Resource Requirements for Plan Implementation

STRATEGIC OBJECTIVE	ANNUAL RESOURCE REQUIREMENTS (Kshs. Million)				
	2009/10	2010/11	2011/12	2012/13	Total
To enhance judicial independence to enable the Judiciary carry out its key functions effectively	62	21	21	21	125
To Improve The Image of The Judiciary to Restore Public Confidence in The Institution	222.25	95.25	95.25	95.25	509
To Build Capacity in Human Resource Management and Development to Achieve Higher Performance	80.5	49.5	49.5	49.5	229
To Improve Access to Justice to Ensure Litigants Have Easy and affordable Justice for a Fair and Just Society	302.75	280.75	280.25	280.25	1,140
To Improve Institutional Structures to Ensure Efficient Delivery of Services	89.5	79.5	49.5	54.5	273
To Adopt and institutionalize Appropriate ICT and other Facilities to Improve Efficiency in Operations	827	809	719	719	3,174
Enhance and Streamline Financial Management and Procurement to Optimize Allocation and Use of Resources	39.5	52.5	62.5	62.5	137
<b>TOTAL</b>	<b>1,621.5</b>	<b>1,386.5</b>	<b>1,276</b>	<b>1,281</b>	<b>5,627</b>
<b>MTEF CEILING</b>	<b>441</b>	<b>450</b>	<b>480</b>	<b>500</b>	<b>1,871</b>
<b>GAP</b>	<b>1180.5</b>	<b>936.5</b>	<b>796</b>	<b>781</b>	<b>3,716</b>

The MTEF estimates shown in Table 6.4 above are only Development Estimates (excluding Recurrent Estimates) which totals 1.8 billion during the plan period leaving a gap of nearly Kshs.3.7 billion.

The overall resource requirements of implementing this plan will take into account the financial equivalent of resources such as time, materials, hired consultants, technology, facilities, equipment and information.

### 6.2.3 Strategies for financial resource mobilization

The Judiciary relies on the Government of Kenya (GOK) for funding. This is in the form of





Exchequer releases and the fee levied by the courts for services rendered. The other source of funding is by Development Partners and Private-Public partnership. These will continue to be the main sources for funding the Plan. The Judiciary will ensure that there is transparency and accountability in the use of all funds availed to it.

#### **6.2.3.1 Government funding**

The following strategies will be used to secure Government funding:

- Seek sufficient budgetary allocation from the Ministry of Finance,
- Allocate funding to priority areas as identified in the Plan and
- Strive to maximize on revenue collection by enhancing proper accounting systems.

#### **6.2.3.2 Exploiting the untapped resources**

The private sector organizations, communities and stakeholders will be involved in:

- Setting up of small claims courts, satellite courts and Alternative Dispute Resolution Centers.
- Sensitize the public on need to assist in eliminating corruption in courts.
- Constitute a resource mobilization committee to explore means and ways of raising funds from other sources.

#### **6.2.3.3 Development Partners**

The Judiciary will engage various development partners to seek financial support through structured sectoral consultations.

#### **6.2.3.4 Areas targeted to reduce wastage**

The Judiciary will improve efficiency in utilization of available resources through the following measures:

- **Automation**

The current manual systems in court processes are slow and inefficient. Automation processes will be adopted to fasten and make them more efficient.

- **Decentralization**

Decision making in areas such as procurement, transport and others is currently centralized at the Headquarters. In the Plan, efforts will be geared towards decentralizing the same.



- **Outsourcing**

In the spirit of rationalization some services such as cleaning, transport, secretarial, security, catering and Court recording will be considered for outsourcing where possible, leading to cost cutting and efficiency.

- **Transport**

During the Plan period, elaborate measures will be put in place to procure vehicles for every court station, modernize the fleet of existing vehicles, explore possibilities of introducing Scheme of motor vehicle purchase and advocate for an efficient transport system.

- **Time**

Time management is of essence in executing the tasks of this plan. The work of the implementing committee, monitoring and evaluation committee and respective work plan coordinators will depend on efficient use of time.

### 6.3 Risk Analysis

Implementation of any Plan is prone to various risks among them, political, operational, financial, strategic and technological. These risks need to be identified and ways of mitigating them put in place. The specific risks under each of these categories are outlined below:

#### 6.3.1 Political Risks

In the recent past, there has been an unprecedented attack on the Judiciary by politicians and other arms of government who disobey court orders with impunity. Therefore, their attitudes and utterances have bearing on the success or otherwise of this Plan.

#### 6.3.2 Strategic Risks

- a. Constitutional or Statutory changes may expand the Judiciary by creating a Supreme Court, distorting the Plan.
- b. Proposed programmes/activities may be opposed by some stakeholders.
- c. Failure to enact the Judicial Service Bill.
- d. High staff turnover especially magistracy is likely to affect service delivery.

#### 6.3.3 Operational Risks

- a. Poor remuneration, staff turnover, shortage of office space, lack of adequate office equipment and facilities, and delay in recruiting new staff may affect the implementation of the Plan.





- b. Majority of the Judiciary staff do not understand the organizational structure of the Judiciary which may hinder implementation of the Plan.
- c. Litigants do not understand the operational procedures of the Judiciary.
- d. Inadequate consultations in decision-making.
- e. HIV/AIDS pandemic.

#### **6.3.4 Financial Risks**

- a. Delayed or inadequate funding may affect the implementation of the activities in the plan.
- b. Diversion or deduction of funds meant for the Judiciary due to national disasters/emergency may affect plan implementation.
- c. Suspension of donor funds may disrupt planned activities.

#### **6.3.5 Technological Risks**

- a. The Judiciary not keeping pace with rapid ICT changes taking place in the world.
- b. ICT related systems failure
- c. Staff being reluctant to adapt to new technological changes.

#### **6.4. Risks Mitigation**

To mitigate the effects of the above risks in this plan, the Judiciary will undertake the following measures:

- a. Enhance Monitoring and Evaluation as envisaged in Chapter 7 of this Plan for early detection of formative risk.
- b. Seek to engage the Executive, Legislature and other stakeholders through structured dialogue for judicial reform separate from the wider constitutional reform initiative.
- c. Ensure sound management of funds.
- d. Undertake regular training of staff on emerging issues based on needs assessment.

#### **6.5 Summary of Assumptions**

- Funds and other resources required will be availed on schedule.
- Requisite personnel will be provided with opportunity to execute their tasks.
- Effective leadership will be provided at all levels.
- Commitment and ownership by all stakeholders will be demonstrated in each activity and process of achieving the set target.
- Institutional culture will facilitate implementation of the Strategic Plan.
- There will be an enabling socio-economic, politico-legal and technological environment.

# 7 IMPLEMENTATION, MONITORING AND EVALUATION

## 7.0 Introduction

This chapter lays out the implementation, monitoring and evaluation mechanism for this Plan.

## 7.1 Plan Implementation

The implementation of a strategic plan essentially involves translating strategic objectives into action. It focuses on efficiency, leadership skills and coordination. Many well formulated strategic plans fail because they are not properly monitored for implementation.

The implementation will involve identifying implementing units and individuals, creating strategy awareness, change management, promoting teamwork, knowledge management, staff motivation, and funding mechanism. Transparency and accountability will form the framework for working with internal and external stakeholders and in particular our development partners.

### 7.1.1 Implementation Approach

The implementation of this Plan will be over a period of four years (2009-2012). Details of the activities to be undertaken are indicated in the implementation matrix (Appendix 1). The Plan will be implemented in phases to ensure proper coordination and management. This approach will ensure adequate resource mobilization, capacity building and provide learning experience.

### 7.1.2 Sequencing of activities

The activities are sequenced in a logical and prioritized order. This is relevant for systematic planning, implementation, monitoring and evaluation.

### 7.1.3 Work Plans

The Plan is a roadmap for the Judiciary over the next four years. It will be actualized through the preparation of departmental/unit and individual work plans. Each plan will indicate the tasks reflecting strategies, activities, implementor, timeframe, performance indicators and resource requirements.

### 7.1.4 Work Improvement Teams (WITS) (Implementation Committee)

The team will comprise heads of departments/sections and specialized units and will be





meeting regularly under the chairmanship of the Registrar to coordinate the implementation process. This management team will report to the Reform and Development Committee which will steer the implementation process.

### 7.1.5 Plan Steering Committee

The Reform and Development Committee will be the Steering Committee providing overall coordination and policy guidance. It will receive quarterly implementation reports from the management team.

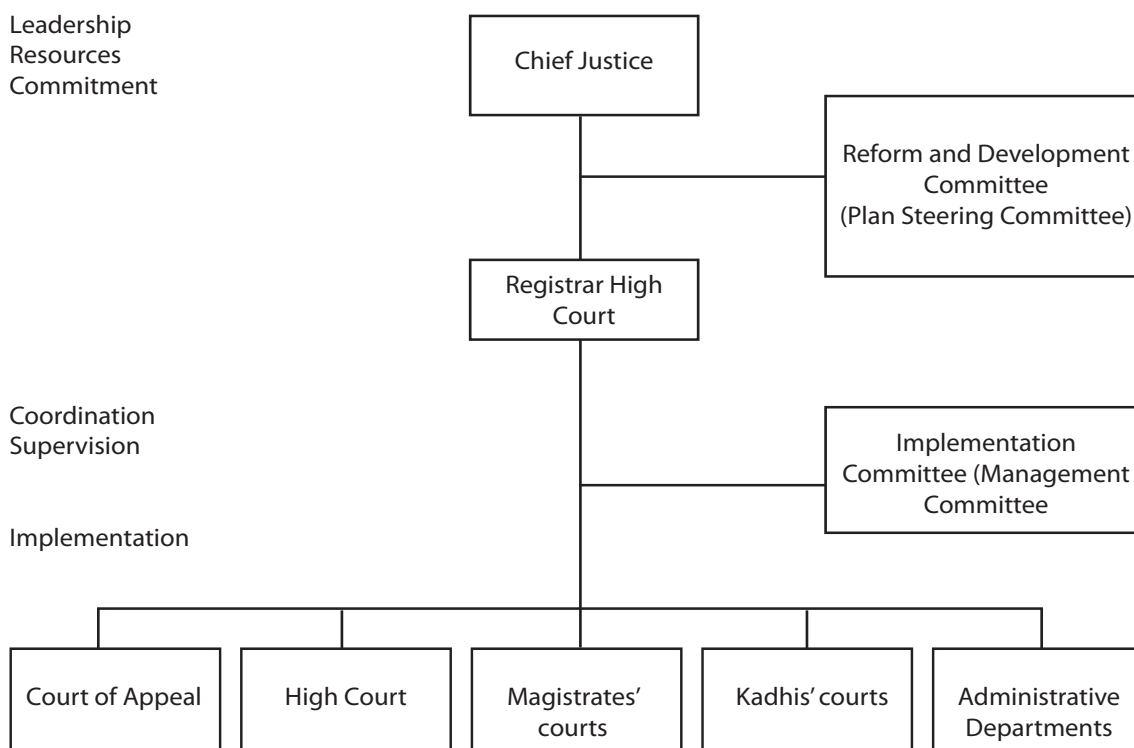
### 7.1.6 Implementation Management Structure

The overall coordinator of the Strategic Plan will be the Chief Justice who will provide leadership, resources and inspire commitment. Actual implementation will be the responsibility of the individual departments under the guidance of the Registrar and an appointed implementation committee. Figure 7.1 below gives the implementation coordination structure.

### 7.1.7 Creating Strategy Awareness

More often than not strategies are designed but not properly communicated to the workforce. It is imperative that everyone in the Judiciary understands and shares its Vision and Mission, the strategies for achieving them and how their individual actions and those of their units will contribute to the success of the Plan.

**Figure 7.1 Implementation Coordination Structure**





Each implementing unit will create awareness to its staff on the strategies they are required to implement.

#### **7.1.8 Change Management**

There are many changes taking place outside the Judiciary to which it must galvanize itself and adapt. These changes are social, economic and technological. There are also changes in demand for the services rendered by the Judiciary. Some of these changes present opportunities while others pose threats to the Judiciary. In preparing itself to respond to the above changes, it will be necessary for the Judiciary to change its perceptions, values, work ethic, systems and processes. It will therefore be important that the Judiciary becomes a learning organization for its staff.

There is, however, always a tendency to resist change. Change creates anxiety among staff about job security. It is not seen as an opportunity to enrich careers and personal lives. This is usually due to failure to clearly communicate and make staff understand what is happening or why changes are taking place. All these call for effective change management that focuses on the sensitization of staff on the need to change and use it as a stimulus to encourage new ideas and harness enthusiasm for improved performance.

Change management will be crucial in the implementation of this Strategic Plan

#### **7.1.9 Promoting Teamwork**

Effective implementation of the Plan will require strong leadership capable of developing, supporting and promoting organizational culture, embodying the status and professionalism of the organization; inspiring confidence, providing a vision for the organization and championing change as well as articulating the organization's strategy.

Bureaucracy and top-down management style should be discarded in preference for streamlined, participatory and coordinated style of management.

#### **7.1.10 Funding Arrangements**


It is expected that the Government of Kenya, Public-Private Sector Partnership and Development Partners will provide financial support to implement the Plan.

### **7.2 Monitoring and Evaluation**

Monitoring the implementation process of a strategic plan is essential for the following reasons:

- To establish whether the stated objectives are being achieved
- For tracking inputs, outputs and activities to determine whether or not the implementation process is on course.
- To identify hindrances with a view to improvement.





Evaluation involves comparing expected results with actual results, investigating deviations from the plan as well as measuring organizational performance.

The implementation and effectiveness of the Strategic Plan will be periodically monitored and evaluated to gauge whether the implementation process is going on in relation to the objectives. Corrective measures will be taken and the implementation strategies revised in response to non-performing activities. Monitoring will provide information required for accountability purposes.

The 2009-2012 Strategic Plan performance indicators have been designed to measure progress towards the objectives. These indicators are presented in a logical framework in Appendix 1 herein. The Plan will be evaluated quarterly, annually and at end of the Plan period leading to the preparation of the following reports:

#### **7.2.1 Quarterly Progress Report (QPR)**

This report will cover all the activities undertaken during each quarter showing constraints successes and outline the plans for the next quarter.

#### **7.2.2 Annual Review Report (AR)**

In addition to the QPRs, there will be a Annual Review Report (AR) to be carried out by publication of an annual Judiciary M&E Report. This report will provide information for the Hon. the Chief Justice's annual "State of Judiciary" address. In addition, Development Partners are expected to undertake an annual review of the activities funded by them.

#### **7.2.3 Terminal Review Report (TR)**

At the end of the Plan period, there will be an external evaluation. A Terminal Review (TR), will be carried out by use of an external consultant using a participatory process. The consultancy will describe the terms of reference, the background, goals, strategic objectives and performance indicators. The task will lead to identification of achievements against performance indicators, constraints encountered during the plan period and make recommendations towards the development of the next strategic plan. will use the identified performance indicators and will endeavor to assess the achievements, constraints and make recommendations towards the next Plan,

#### **7.2.4 Monitoring and Evaluation Mechanism**

The implementing units will be the initial points of carrying out M&E activities. They will be required to collect quarterly data on the activities and use the same to evaluate their performance. The units will be expected to use the information to take corrective measures necessary to improve implementation. They will also submit their reports to the Registrar for onward transmission to the M & E Committee which will be appointed to monitor and evaluate the Plan. The Committee will hold quarterly meetings to review the M & E reports from the implementing units, and prepare a report for submission to the Reform and Development Committee.

## Appendix I Implementation Matrix

**1.0 Strategic Issue:** Enhance Judicial Independence  
**Strategic Objective:** To enhance judicial independence to enable the Judiciary carry out its key functions effectively

Strategy	Main Activities	Implementer	Time frame	Performance indicator	Amount in Kshs
1.1 Implement Gazette Notice Number 3801 of May 1995 de-linking Judiciary from Civil Service	1.1.1 Implement schemes of service, and Code of Regulations for all cadres of staff	JSC RHC DDHRM	July 09 - June 2010	30 schemes of service for each cadre and one code of regulations implemented	5m
1.2 Re-submit the Judicial Service Bill	1.2.1 Workshops with the Executive, Legislature, LSK and other major stakeholders to sensitize them on need for independence.	CJ RHC	July - Dec 09	4 Workshops held	10m
	1.2.2 Set up a task force to facilitate enactment of the Bill and amendment of constitution to strengthen the JSC	CJ JSC RHC AG	July - Dec 09	Judicial Service Act enacted	30m
1.3 Providing a framework for judicial independence and inclusive delivery of justice	1.3.1 Annual Judges Colloquia to sensitize Judges on asserting Independence.	CJ RHC	Aug 09 - Dec 2012	4 colloquia held	48m
	1.3.2 Annual Regional Workshops for magistrates and non judicial staff	RHC	July 09 - Dec 2012	32 regional workshops held	32m
<b>TOTAL</b>					<b>125m</b>





**2.0 Strategic Issue: Improve the image of the Judiciary**  
**Strategic Objective: To Improve The Image of The Judiciary to Restore Public Confidence in The Institution**

Strategy	Main Activities	Implementer	Time frame	Performance indicator	Amount in Kshs
2.1 Establish a Communication Department	2.1.1 JSC to approve establishment	CJ JSC	July 2009 -Dec 2009	Communication department established	100m
2.1 Develop a communication policy	2.2.1 Establish a taskforce to develop policy	CJ RHC	July 2009 -Dec 2009	Communication policy in place	30m
2.3 Establish dialogue with stakeholders	2.3.1 Strengthen Court Users Committees through formulation of policy guidelines	CJ JSC RHC Heads of stations and Depts.	July 2009 -Dec 2012	Court Users Committee in place	5m
	2.3.2 Hold Stakeholder workshops to sensitize them on role of the judiciary	CJ RHC Heads of stations and Depts.	July 2009 -Dec 2012	64 workshops held	64m
	2.3.3 Formulate Bar-Bench relationship committee	RHC Heads of Stations	July 2009 -Dec 2012	110 Bar-Bench committees established	110m
	2.3.4 Annual regional Open Days	CJ RHC	July 2009 -Dec 2012	32 Open days held	200m
<b>TOTAL</b>					<b>509m</b>



**3.0 Strategic Issue: Build Capacity in Human Resource management and development**  
**Strategic Objective: To Build Capacity in Human Resource Management and Development to Achieve Higher Performance**

Strategy	Main Activities	Implementer	Time frame	Performance indicator	Amount in Kshs
3.1 Develop a HRM policy	3.1.1 Appoint a task force to develop an HRMD policy	RHC DDHRM	July 2009 - Dec 2010	HRMD policy in place	5m
	3.1.2 Carry out a workload analysis	RHC DDHRM	July 2009 - Dec 2010	Workload analysis report	5m
3.2 Design appropriate performance management system	3.2.1 Appoint a Taskforce to develop performance management system	CJ RHC DDHRM	July 2009 - Mar 2010	Performance management system in place.	15m
3.3 Improve staff welfare	3.3.1 Set up psycho-socio support unit	CJ RHC DDHRM	July 2009	Psycho-socio unit set-up	15m
	3.3.2 Carry out yearly team building activities	CJ RHC DDHRM	July 2009 Dec 2012	64 team building activities held	64m
3.4 Establish an appropriate organizational structure	3.4.1 Constitute a task force to come up with an acceptable structure	CJ RHC	Dec 2011 Dec 2012	New organization structure in place	5m
3.5 To strengthen of Judiciary Training Institute so as to enhance staff capacity and competence	3.5.1 To develop a competent pool of trained trainers	RHC DDHRM	July 2009 Dec 2012	25 trainers trained	20m
	3.5.2 To recruit staff to run the JTI	JTI RHC DDHRM	July 2009 Dec 2012	100 staff recruited	50m
	3.5.3 Capacity building in area such as gender, human rights, children and anti corruption Training Board of JTI	JTI RHC DDHRM	July 2009 Dec 2012	1,000 officers trained	50m





Strategy	Main Activities	Implementer	Time frame	Performance indicator	Amount in Kshs
3.6 Sensitize members of staff on prevention and control of HIV/AIDS and strengthen ACU and VCT facilities	3.6.1 Collect statistics on HIV prevalence	RHC DDHRM	July 2009 - Dec 2009	HIV Prevalence Report	40m
	3.6.2 Continue the ongoing sensitization of members	RHC DDHRM	July 2009 - Dec 2012	All Judiciary staff sensitized	
	3.6.3 Encourage staff to use VCT facilities	RHC DDHRM	July 2009 - Mar 2012	50 of VCT facilities established	
	3.6.4 Strengthen ACU with representation and facilities	RHC DDHRM	July 2009 - Mar 2012	50 Representatives appointed 50 Resource Centres Established	
	3.6.5 Procure/Allocate a Vehicle for ACU	RHC DDHRM	July 2009 - Dec 2009	2 Vehicles Procured	
<b>TOTAL</b>					<b>269m</b>

#### 4.0 Strategic Issue: Improve access to Justice

Strategic objective: To Improve Access to Justice to Ensure Litigants Have Easy and affordable Justice for a Fair and Just Society.

Strategy	Main Activities	Implementer	Time frame	Performance indicator	Amount in Kshs
4.1 Establish additional courts	4.1.1 Identify and build 5 courts annually	CJ RHC	July 2009 Dec 2012	20 new Courts constructed	1B
4.2 Improve legal aid and pauper brief system	4.2.1 Set up a help desk in every registry	RHC Heads of station/ departments	July 2009 Dec 2012	110 Court Help desks	5m
	4.2.2 Allocate more funds for pauper brief	RHC Heads of station/ departments	July 2009 Dec 2012	Funds allocated to Pauper brief increased by 50%	10m
4.3 Simplify and modify rules and procedures in court	4.3.1 Train all Judges and Magistrates on ADR	CJ RHC Rules committee	July 2009	600 Staff trained	30m
	4.3.2 Amend and simplify court procedure rules	CJ Rules Committee	July 2009	Rules in place	5m
4.4 Improve Juvenile justice	4.4.1 Construct 2 Children Court Houses every year.	CJ RHC	July 2009 Jun 2012	8 additional children court houses built	80m
	4.4.2 Taskforce to review the Children court practice and procedure rules	RHC	July 2009 Dec 2009	Reviewed children court practice and procedure rules in place	5m
	4.4.3 Create a children case database	RHC	July 2009 Dec 2010	Children case database in place	5m
<b>TOTAL</b>					<b>1.14B</b>





**5.0 Strategic Issue: Improve institutional Structures to Ensure Efficient Delivery of Services**  
**Strategic Objective: To Improve Institutional Structures to Ensure Efficient Delivery of Services**

Strategy	Main Activities	Implementer	Time frame	Performance indicator	Amount in Kshs
5.1 Strengthen the Judicial Service Commission (JSC)	5.1.1 Initiate amendment to constitution to expand the JSC	CJ JSC RHC	July 2009 -Dec 2010	Membership expanded to 12 to include other stakeholders	10m
	5.1.2 Create a secretariat	CJ JSC RHC	July 2009 -Dec 2010	Secretariat in place	20m
5.2 Create a climate for Zero-tolerance to corruption	5.2.1 Establish an Ethics and Governance office	CJ RHC	July 2009 -Dec 2012	Ethics and Governance office in place	20m
5.3 Improve Case Flow Management	5.3.1 Train Judicial and stakeholders on case management	RHC HRDO Expeditious Disposal of Cases Committee Heads of Stations	July 2009 Dec 2012	330 staff trained	100m
	5.3.2 Designate case managers	RHC Heads of stations	July 2009 Dec 2012	Designated Case Managers appointed	5m



Strategy	Main Activities	Implementer	Time frame	Performance indicator	Amount in Kshs
5.4 Mainstream M&E	5.3.3 Design a case flow management system	RHC Expeditious Disposal of Case Committee	July 2009 Dec 2010	Case Flow Management system in place	100m
	5.3.4 Train 3 registry staff in each registry on Case Flow Management	RHC JTI	July 2009 Dec 2012	330 trained registry staff	2m
	5.4.1 Establish a standing committee on monitoring and evaluation with representation from all departments	CJ RHC CPPMU	July 2009	Committee established	5m
	5.4.2 Complete development of M&E systems and implementation	CJ RHC CPPMU	July 2009	M&E system in place	3m
	5.4.3 Quarterly departmental reports on continuous monitoring and evaluation	RHC CPPMU HODs	July 2009	Quarterly monitoring and evaluation reports	3m
5.4.4 An annual monitoring and evaluation report	5.4.4 An annual monitoring and evaluation report	CJ RHC	Dec 2009	The state of the Judiciary Annual Report	5m
	5.4.5 Terminal Evaluation of the Plan	RHC CPPMU External Consultant	Dec 2012	Terminal Evaluation Report	
<b>TOTAL</b>					<b>273M</b>





**6.0 Strategic Issue: Adopt and institutionalize Information communication Technology and other facilities**  
**Strategic Objective: To Adopt and institutionalize Appropriate ICT and other Facilities to Improve Efficiency in Operations**

Strategy	Main Activities	Implementer	Time frame	Performance indicator	Amount in Kshs
6.1 Institutionalise appropriate Information Communication Technology framework	6.1.1 Develop an ICT policy	CJ RHC ICT Committee	July 2009 Dec 2009	ICT policy in place	5m
	6.1.2 Acquire 2500 computers, 120 heavy duty printers and 500 single user printers during the plan period	RHC ICT Committee	July 2009 Dec 2012	2500 computers, 120 heavy duty printers and 500 single user printers procured	500m
	6.1.3 Create an ICT establishment and recruit staff	RHC JSC DDHRM	July 2009 Dec 2010	80 staff members recruited	60m
	6.1.4 Establish a LAN in all High Courts	RHC ICT Committee	July 2009 Dec 2012	17 High Court Stations linked with LAN	160m
	6.1.5 Establish a WAN to link all High court stations	RHC ICT Committee	July 2009 Dec 2012	17 High Court Stations linked with WAN	58m
	6.1.6 Develop web portal	RHC ICT Committee	Dec 2009	Portal web developed	1m
	6.1.7 Train judicial staff on ICT skills	RHC Training	July 2009 Dec 2012	2,000 officers trained	200m

Strategy	Main Activities	Implementer	Time frame	Performance indicator	Amount in Kshs
		Committee ICT Committee			
	6.1.8 Introduce digital audio recording	RHC PICTO	July 2009 Dec 2012	17 Digital audio recording in Court of Appeal and High Court stations,	500m
	6.1.9 Automate the financial processes in 110 court stations	RHC PAC PICTO	July 2009 Dec 2010	110 automated court stations	100m
	6.1.10 Purchase and install HRMIS and training	RHC DHRM PICTO	July 2009 Dec 2010	HRMIS implemented	20m
6.2 Modernize library services	6.2.1 Equipping 110 court stations with library materials	RHC Chief Librarian	July 2009 June 2012	110 court stations Equipped	300m
	6.2.2 Subscribe to e-law libraries	Chief Librarian	July 2009	10 Subscriptions to e-libraries	5m
	6.2.3 Create e-library and e-information	Chief Librarian	Jan 2010 Dec 2012	17 High Court Stations	10m
	6.3.1 Establish a transport policy committee to develop a transport policy	CJ RHC Transport officer	July 2009 Dec 2009	Transport policy developed	5m
6.3 Improve transport facilities	6.3.2 Purchase new vehicles for all stations	RHC CPO CPPMU TO	July 2009 June 2012	90 vehicles purchased	550m
	6.3.3 Purchase vehicles for Judges	RHC CPO CPPMU TO	July 2009- June 2010	40 vehicles purchased	400m
<b>TOTAL</b>					<b>3.174B</b>





**7.0 Strategic Issue: Enhance and streamline Financial Management and Procurement System**  
**Strategic Objective: Enhance and Streamline Financial Management and Procurement to Optimize Allocation and Use of Resources**

Strategy	Main Activities	Implementer	Time frame	Performance indicator	Amount in Kshs
7.1 Streamline Financial Management	7.1.1 Review the financial systems in all courts	RHC PAC	July 2009 Dec 2009	Financial systems reviewed in all courts	5m
	7.1.2 Develop user manual guide	PAC	Jan 2010 Dec 2010	User manual developed	10m
	7.1.3 Train AIE holders	PAC	Jan 2011 Dec 2011	220 AIE holders trained	80m
	7.1.4 Revive audit committee.	CJ	June 2009	Audit Committee appointed	-
7.2 Mainstream Procurement	7.2.1 Disseminate procurement policy in line with the Act	CPO	July 2009 Dec 2009	200 Procurement policy document circulated	2m
	7.2.2 Sensitize 200 Judicial staff on the Procurement Act	RHC CPO TO	July 2009 Dec 2012	16 Workshops held	50m
	7.2.3 Recruit procurement staff in High Court Administrative Divisions	RHC JSC DDHRM	July-Dec 2009	16 Procurement Officers recruited	10m
<b>TOTAL</b>					<b>137m</b>
<b>GRAND TOTAL</b>					<b>5.627B</b>





## Appendix I I

List of Stakeholders at the Validation Workshop held on 8th January, 2009 at Safari Park Hotel

S/NO.	NAME	ORGANIZATION
1.	Hon. Mr. Justice J.E. Gicheru	Judiciary
2.	Hon. Mr. Justice R.S.C. Omolo	Judiciary
3.	Hon. Mr. Justice S.E.O. Bosire	Judiciary
4.	Hon. Mr. Justice E.M. O'kubasu	Judiciary
5.	Hon. Mr. Justice P.N. Waki	Judiciary
6.	Hon. Mr. Justice A.G. Ringera (Rtd)	KACC
7.	Hon. Mr. Justice M. Msagha-Mbogholi	Judiciary
8.	Hon. Lady Justice H. Okwengu	Judiciary
9.	Hon. Lady Justice R. Wendo	Judiciary
10.	Hon. Mr. Justice D.K. Musinga	Judiciary
11.	Hon. Mr. Justice Mohammed Ibrahim	Judiciary
12.	Hon. Lady Justice H. Omondi	Judiciary
13.	Mrs. Lydia Achode	Judiciary
14.	Mr. S.M. Kibunja	Judiciary
15.	Mr. Gilbert Mutembei	Judiciary
16.	Mr. Boaz N. Olao	Judiciary
17.	Mr. R. Nyakundi	Judiciary
18.	Mrs. Lucy W. Gitari	Judiciary
19.	Mr. T.S. Luvuga	Judiciary
20.	Mr. W. Wanga	Judiciary
21.	Mr. D. Rapando	Judiciary
22.	Mr. S.K. Kiptorus	Judiciary
23.	Mrs. J. Ragot	Judiciary
24.	Mr. J. Iraya	Judiciary
25.	Mr. R. A. Achieng	Judiciary
26.	Ms. J.W. Macharia	Judiciary
27.	Ms. Ruth Andiva	Judiciary
28.	Mr. N. Mbeba	Judiciary
29.	Mr. A.S. Hussein	Judiciary
30.	Mr. J. Ngila	Judiciary
31.	Mr. S.K. Mulelu	Judiciary
32.	Mr. H.K. Kinyua	Judiciary
33.	Mr. M.K.K. Serem	Judiciary





List of Stakeholders at the Validation Workshop held on 8th January, 2009 at Safari Park Hotel

S/NO.	NAME	ORGANIZATION
34.	Ms. Lucy Nyambura	Judiciary
35.	Ms. Winifreda Mokaya	Judiciary
36.	Mr. Benson M. Nzaikyo	Judiciary
37.	Ms. Doreen Mulekyo	Judiciary
38.	Ms. Cecilia W. Githua	Judiciary
39.	Ms. Caroline Kabucho	Judiciary
40.	Ms. Kennedy Kendet	Judiciary
41.	Ms. Mercy Mumbi Njeru	Judiciary
42.	Mr. T.L. Onamu	Judiciary
43.	Mr. Charles K. Karanja	Judiciary
44.	Mr. Joseph C. Mwera	Judiciary
45.	Ms. Sophia Mwangi	Judiciary
46.	Ms. Linda Vallerie Thuma	Judiciary
47.	Ms. Eunice Gichangi	Parliament
48.	Mr. Charles M. Chacha	DPM (MSPS)
49.	Ms. C. Agimba	FLSTAP
50.	Mr. Shadrack Kavutai	Probation
51.	Sirkku Hellsten	Finland Embassy
52.	Mr. Maina Weru	MSPS
53.	Mr. Evanson Njenga	JICA, Kenya
54.	Mr. Guantai Kirimi	Kenya Police
55.	Ms. Sheilla Ngatia	UNDP
56.	Mr. Samuel Mbithu Kimeu	Finland Embassy
57.	Ms. Esther N. Nyaosi	MOPND & V 2030
58.	Mr. David Macharia	Prisons
59.	Mr. Shauna Gillaw	KNCHR
60.	Nyamasyo Ndola	Finance Ministry
61.	Ms. Roselyne Aburili	MOJNCCA
62.	Mr. Keyah Opondo	Nema
63.	Mr. Abdulkadir Noormohamed	KNCHR
64.	Nightingale Bukuba - Ngaiza	World Bank
65.	Elizabeth Mbuka	Children's Department



### Appendix III

List of Stakeholders at the Validation Workshop held on 8th January, 2009 at Safari Park Hotel

S/NO.	NAME	DESIGNATION	DEPARTMENT
1.	The Hon. Mr. Justice R. S. C. Omolo	Judge of Appeal	Court of Appeal
2.	The Hon. Mr. Justice A.R.M. Visram	High Court Judge	High Court
3.	Mr. G.C. Mutembei	Chief Magistrate	CM's Court
4.	Mr.E.M. Muriithi	Ag. Senior Principal Magistrate	Makadara Law Courts
5.	Mrs. J. Ragot	Senior Resident Magistrate	CM's Court
6.	Mr. T. Luvuga	Deputy Registrar	Court of Appeal
7.	Mr. S.K. Kiptorus	Ag. Principal Economist	CPPMU
8.	Mr. D.B. Rapando	Ag. Principal Economist	CPPMU
9.	Mr. W. Wang	Ag. Principal Accounts Controller	Accounts
10.	Mr. J. Iraya	Principal ICT Officer	ICT
11.	Mrs. R.A. Ochieng	Ag. Chief Human Resource Management Officer I	Human Resource Department
12.	Ms. J. W. Macharia	Chief Procurement Officer	Supplies
13.	Ms. R. Andiva	Chief Librarian	Library
14.	Mr. N. Mbega	Ag. Chief Executive Officer I	Transport/Protocol
15.	Mr. J. Ngila	Executive Officer I	High Court Registry
16.	Mr. A.S. Hussein	Kadhi I	Kadhi's Court
17.	Mr. S.K. Mulelu	Human Resource Management Officer I	Training
18.	Ms. J. W. Nditika	Secretary	CPPMU
19.	Mrs. L. Kinyanjui	Secretary	Court of Appeal





## Appendix IV

### References

1. Judiciary Strategic Plan 2005-2008.
2. Reports of the Committees of the Judiciary:
  - Onyango Otieno Committee, 2005-2006
  - Ringera Committee 2003
  - Kwach Committee 1998
  - Kotut Committee 1991-1992
3. Kenya Vision 2030
4. Medium Term Plan 2008-2012